



Sunset Report
Alabama
Massage Therapy
Licensing Board
Montgomery, Alabama

October 1, 2022 through September 30, 2024

ALABAMA DEPARTMENT OF
EXAMINERS of Public Accounts

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September 24, 2025

Senator Keith Kelley
Chairman, Sunset Committee
Alabama State House
Montgomery, Alabama 36130

Dear Senator Kelley:

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the Alabama Massage Therapy Licensing Board in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the Alabama Massage Therapy Licensing Board in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

Rachel Laurie Riddle
Chief Examiner

Examiners
Gerald Dedon
Rodney Wagstaff

CONTENTS

PROFILE.....	1
Purpose/Authority	1
Characteristics.....	2
Operations	4
Financial.....	5
Licensure.....	6
SIGNIFICANT ISSUES.....	9
STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES	11
STATUS OF PRIOR SIGNIFICANT ISSUES FROM QUESTIONNAIRES.....	13
FINANCIAL INFORMATION	14
Schedule of Receipts, Disbursements and Balances.....	14
QUESTIONNAIRES	15
Board Member Questionnaire	15
Massage Therapist Questionnaire	17
Massage Therapist Establishment Questionnaire.....	24
Complainant Questionnaire.....	32
APPENDICES	33
Appendix I: Applicable Statutes	34
Appendix II: Legislation Not Yet Codified	46
Appendix III: Examination Results.....	84
Appendix IV: Board Members.....	86
Appendix V: Board’s Response to Significant Issues/Prior Findings.....	88

PROFILE

Purpose/Authority

The Alabama Massage Therapy Licensing Board (the “Board”) was created by Act Number 2024-361, Acts of Alabama, as a professional therapeutic health service to preserve and protect individual life and health, to promote the public interest and welfare by establishing licensing requirements and assuring public safety. The Board licenses massage therapists, massage therapy establishments, massage therapy schools, and massage therapy instructors. The Board investigates complaints and inspects massage therapy establishments and massage therapy schools. The Board operates under the authority of the *Code of Alabama 1975*, Sections 34-43A-1 through 34-43A-19.

The following Acts passed since the last sunset review have been codified in the current statutory authority.

Act Number 2023-490, Acts of Alabama, relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Massage Therapy until October 1, 2024, with certain modifications: To amend Sections 34-43-6, 34-43-9, 34-43-11, 34-43-14, 34-43-15, 34-43-20, and 34-43-21, *Code of Alabama 1975*, as amended by Act 2022-408, 2022 Regular Session; to require representation on the board from each Congressional District; to require meetings to be recorded, upon request; to require the publication of proposed rules and related proceedings on the board website; and to cap certain fees charged by the board.

Act Number 2024-361, Acts of Alabama, relating to the Alabama Sunset Law; to terminate the existence and functioning of the Alabama Board of Massage Therapy; to create the Alabama Massage Therapy Licensing Board pursuant to a new Chapter 43A, Title 34, *Code of Alabama 1975*; to provide for the membership and organization of the new board under the initial temporary oversight of the Board of Nursing; to provide for the transfer of all powers, duties, rights, records, and property from the former board to the new board; to temporarily extend the renewal date of certain licenses and registrations issued by the former board; and to repeal Chapter 43, Title 34, *Code of Alabama 1975*, providing for the Alabama Board of Massage Therapy.

The following Act passed since the last sunset review and has not been codified in the current statutory authority. The Act can be found in Appendix II of this report.

Act Number 2025-395, Acts of Alabama, relating to the Alabama Massage Therapy Licensing Board under the temporary jurisdiction of the Board of Nursing; to amend to amend Section 2 of Act 2024-361, 2024 Regular Session; to authorize the Executive Director of the Board of Nursing to designate an individual to perform certain powers, duties, and functions of the Alabama Massage Therapy Licensing Board on behalf of the executive director; to amend Act 2024-361, 2024 Regular Session, now appearing as Sections 34-43A-2, 34-43A-3, 34-43A-4, 34-43A-5, 34-43A-6, 34-43A-7, 34-43A-8, 34-43A-9, 34-43A-10, 34-43A-12, 34-43A-13, 34-43A-14, 34-43A-16, and 34-43A-18, *Code of Alabama 1975*, to define what constitutes an emergency order and provide further for definitions; to clarify that an individual practicing massage therapy pursuant

to a temporary permit issued by the board is exempt from regulation; to change the annual meeting month of the board from October to November; to require a majority vote of the board to discipline a licensee; to delete temporary or transitional provisions; to provide further for the duties of the board; to provide further for the qualifications for licensing and the contents of an application; to provide further for outcall massage therapy services and the inspections of massage therapy establishments; to authorize the board, by rule, to establish and collect reasonable fees; to provide further for investigations, discipline, and fingerprinting of licensees and applicants for licensing; to provide for the issuance of an emergency order suspending the operation of a massage therapy establishment and the enforcement, hearing process, legal fees, and fines associated with an emergency order; and to provide further for massage therapy schools.

<u>Characteristics</u>	
Members and Selection	<p>The Board consists of nine members.</p> <ul style="list-style-type: none"> • Three active licensees appointed by the Governor. • Two active licensees appointed by the Lieutenant Governor • Two active licensees appointed by the Speaker of the House • One at-large member appointed by the Lieutenant Governor • One at-large member appointed by the Speaker of the House <p><i>Code of Alabama 1975, Section 34-43A-5(b)(1)</i></p>
Term	<p>Initial appointments are made for two, three, or four year terms as determined by lottery. Thereafter, successors shall be appointed for terms of four years, each term expiring on June 30.</p> <p>Members serve no more than two full consecutive terms. Each member of the Board shall serve until his or her successor has been duly appointed and qualified.</p> <p><i>Code of Alabama 1975, Section 34-43A-5</i></p>
Qualifications	<p>Board members shall meet the following qualifications:</p> <ul style="list-style-type: none"> • Seven members shall be active licensees • Two at-large members shall have never been licensed as massage therapist nor have any direct financial interest in the massage therapy profession. • One at-large member shall have extensive knowledge of sex trafficking and related law enforcement efforts to defeat sex trafficking. • Each member shall be selected upon personal merit and qualifications, not per membership or affiliation with an association. • Each member of the Board shall be United States citizen and a resident of Alabama for two years immediately preceding the appointment. <p><i>Code of Alabama 1975, Section 34-43A-5(b)</i></p>

Consumer Representation	<p>Two at-large members shall have never been licensed as massage therapists nor have any direct financial interest in the massage therapy profession. One at-large member shall have extensive knowledge of sex trafficking and related law enforcement efforts to defeat sex trafficking.</p> <p>Two at-large members are currently serving.</p> <p><i>Code of Alabama 1975</i>, Section 34-43A-5(b)(2)</p>
Racial Representation	<p>No specific statutory requirement.</p> <p>Four minority members are currently serving.</p>
Geographical Representation	<p>The seven active massage therapist licensee members of the Board shall be appointed so that not more than one active licensee member from each United States Congressional District in the state is appointed at the same time.</p> <p><i>Code of Alabama 1975</i>, Section 34-43A-5(b)(2)</p>
Other Representation	<p>The appointing authorities shall coordinate their appointments to assure the Board membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state.</p> <p><i>Code of Alabama 1975</i>, Section 34-43A-5(b)(2)</p>
Compensation	<p>Board members do not receive compensation for their services but receive the same per diem and allowance as provided to state employees for each day the Board meets and conducts business.</p> <p><i>Code of Alabama 1975</i>, Section 34-43A-5(f)</p>
Attended Board Member Training	<p>Those attending Board member training in 2024 include:</p> <ul style="list-style-type: none"> • Three members of the former Board of Massage Therapy. • Six members of the Board of Nursing serving as interim members of the Massage Therapy Licensing Board. • Fifteen employees of the Board of Nursing.

<u>Operations</u>	
Administrator	<p>Peggy Benson, Interim Executive Officer Appointed by the Board of Nursing Current annual salary \$181,449.60, set by the Board of Nursing</p> <p>According to Act Number 2024-361, Acts of Alabama, all powers, duties, and functions of the new board shall be temporarily assumed and performed by the Board of Nursing pending the reconstitution of the Board. Additionally, commencing on June 1, 2024, the Executive Officer of the Board of Nursing shall temporarily assume and perform all duties, responsibilities and functions of the position of an executive officer for the Board pending the appointment of an executive.</p>
Location	<p>RSA Plaza, Suite 250 770 Washington Ave. Montgomery, AL 36104</p> <p>Office Hours: M-F 8:30 a.m. – 4:30 p.m. Office available by appointment only</p>
Real Property Ownership	The Board does not own any real property.
Employees	The Board currently has two employees.
Legal Counsel	<p>The Board utilized the following attorneys:</p> <ul style="list-style-type: none"> • Alice M. Henley, General Counsel, Deputy Attorney General, employed by the Board of Nursing. • Patrick W. Samuelson, Senior Assistant General Counsel, Assistant Attorney General, employed by the Board of Nursing. • Amy R. Williams, Assistant General Counsel, Assistant Attorney General, employed by the Board of Nursing. • Tara B. Armistead, Assistant General Counsel, Assistant Attorney General, employed by the Board of Nursing. • J. Matt Bledsoe, an employee of the Attorney General’s Office.

Subpoena Power	The Board does not have subpoena power except as provided by the Administrative Procedures Act, <i>Code of Alabama 1975</i> , Section 41-22-12 for hearings and contested cases.
Internet Presence	www.amtlb.alabama.gov The website contains the Board's current statutes, rules, disciplinary actions, licensing information, licensee search, licensee verification, public records request, and minutes of the Board's meetings. The website does not list the Board's staff, only general contact information.
<u>Financial</u>	
Source of Funds	Licensing fees, fines, and penalties.
State Treasury	Yes, Special Revenue Fund 0920. <i>Code of Alabama 1975</i> , Section 34-43A-12(c)
Required Distributions	There are no specific statutory requirements related to required distributions.
Unused Funds	The Board retains unused funds at fiscal year-end.

<u>Licensure</u>											
Licensees	<p>Licensees as of May 2, 2025:</p> <table border="1" data-bbox="574 331 1289 522"> <tr> <td>Licensed Massage Therapists</td> <td>2,326</td> </tr> <tr> <td>Massage Therapy Establishments</td> <td>627</td> </tr> <tr> <td>Massage Therapy Instructors</td> <td>155</td> </tr> <tr> <td>Massage Therapy Schools</td> <td>18</td> </tr> <tr> <td>Total Licensees</td> <td>3,126</td> </tr> </table> <p><i>Source:</i> Executive Officer</p>	Licensed Massage Therapists	2,326	Massage Therapy Establishments	627	Massage Therapy Instructors	155	Massage Therapy Schools	18	Total Licensees	3,126
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Licensure Qualifications	<p>Massage Therapists</p> <ul style="list-style-type: none"> • Satisfactorily completed a minimum of 650 hours of instruction. • Successfully passed a state Board exam or national standardized examination approved by the Board. • Completed a criminal history background check. <p><i>Code of Alabama 1975</i>, Section 34-43A-8(a) <i>Administrative Rule</i> 532-X-3-.03</p> <p>Massage Therapy Establishments</p> <ul style="list-style-type: none"> • Contract with or employ only licensed massage therapists to perform massage therapy. Every massage therapist shall be registered with the Board and one of them shall be designated as the individual who will ensure the massage therapy establishment complies with state law and all applicable administrative rules. • Each applicant for a massage therapy establishment license shall complete a criminal history background check. • The physical location of a proposed massage therapy establishment shall be subject to an initial inspection before licensure is granted. <p><i>Code of Alabama 1975</i>, Section 34-43A-9</p> <p>Massage Therapy Schools</p> <ul style="list-style-type: none"> • Submit a completed application prescribed by the Board and pay a registration fee. • Provide documentation of a curriculum which includes a minimum number of required hours of instruction in the subjects required by the <i>Code of Alabama 1975</i>, Section 34-43A-8. • Commencing October 1, 2025, submit proof to the Board of registration as an assigned school through the National Certification Board for Therapeutic Massage and Bodywork. <p><i>Code of Alabama 1975</i>, Section 34-43A-18(a) <i>Administrative Rule</i> 532-X-5-.01</p>										

<p>Licensure Qualifications (continued)</p>	<p>Massage Therapy Instructors</p> <ul style="list-style-type: none"> • Licensed as a massage therapist in Alabama. • Adjunct massage therapy instructor shall be dually licensed in the state where he or she resides or be nationally certified, or both. • Submit a completed application prescribed by the Board and pay application fee. • Submit documentation of three years of experience in the practice of massage therapy. <p><i>Code of Alabama 1975, Section 34-43A-18(b) & (c)</i></p>																								
<p>Examinations</p>	<p>The National Certification Exam for Therapeutic Massage & Bodywork, known as the Massage and Bodywork Licensing Exam (MBLEx), is administered by the Federation of State Massage Therapy Boards (FSMTB). FSMTB contracts with Pearson Vue to develop, administer, and deliver the examinations. Examination fees are paid directly to FSMTB.</p> <p>Computerized examinations are administered daily at Pearson Vue Test Centers located in Montgomery, Birmingham (2), Dothan, Mobile, and Decatur.</p> <table border="1" data-bbox="418 934 1396 1165"> <thead> <tr> <th colspan="4">Examination Statistics</th> </tr> <tr> <th>CY 2023</th> <th># Taken</th> <th># Passed</th> <th>% Passed</th> </tr> </thead> <tbody> <tr> <td>First Attempt</td> <td>130</td> <td>92</td> <td>71%</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <th>CY 2024</th> <th># Taken</th> <th># Passed</th> <th>% Passed</th> </tr> <tr> <td>First Attempt</td> <td>107</td> <td>75</td> <td>70%</td> </tr> </tbody> </table> <p>Examination statistics for Alabama schools are included in Appendix III of this report.</p> <p><i>Code of Alabama 1975, Section 34-43A-8(a)(2)</i> <i>Source:</i> Executive Officer</p>	Examination Statistics				CY 2023	# Taken	# Passed	% Passed	First Attempt	130	92	71%					CY 2024	# Taken	# Passed	% Passed	First Attempt	107	75	70%
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<p>Reciprocity</p>	<p>The Board may license an applicant who is licensed or registered to practice massage therapy in another state if the standards of practice or licensing of that state, at the time the applicant was originally licensed or registered, were equal to or stricter than the requirements of this chapter.</p> <p><i>Code of Alabama 1975, Section 34-43A-8(b)</i></p>																								

<p>Renewals</p>	<p>Massage Therapists and Massage Therapy Establishments</p> <ul style="list-style-type: none"> • Licenses are renewed biennially, on or before the anniversary date of issuance. • Any license not renewed biennially on or before the anniversary date of issuance shall expire. • Individuals whose license has expired and who have ceased to practice massage therapy for a period of no longer than five years may have license reinstated upon payment of a reactivation fee, submission of a renewal application, evidence of fulfilling continuing education requirements, completed a criminal history background check, and passed the examination. <p><i>Code of Alabama 1975</i>, Section 34-43A-11</p> <p>Massage Therapy Schools</p> <ul style="list-style-type: none"> • Register annually with the Board and submit of current curriculum as well as a list of active instructors teaching at the school. <p><i>Code of Alabama 1975</i>, Section 34-43A-18(a)</p> <p>All renewals are processed online.</p> <p><i>Source:</i> Executive Officer</p>																										
<p>Licensee Demographics</p>	<p>Information as of September 30, 2024:</p> <table border="1" data-bbox="641 1029 1226 1501"> <tr> <td>Females</td> <td>59%</td> </tr> <tr> <td>White (Non-Hispanic)</td> <td>38%</td> </tr> <tr> <td>Asian</td> <td>10%</td> </tr> <tr> <td>Black/African American</td> <td>7%</td> </tr> <tr> <td>Other</td> <td>4%</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td>Males</td> <td>13%</td> </tr> <tr> <td>White (Non-Hispanic)</td> <td>9%</td> </tr> <tr> <td>Black/African American</td> <td>2%</td> </tr> <tr> <td>Asian</td> <td>1%</td> </tr> <tr> <td>Other</td> <td>1%</td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td>Other/Unknown*</td> <td>28%</td> </tr> </table> <p>*Entries in the licensing system of unknown race and gender.</p> <p><i>Source:</i> Executive Officer</p>	Females	59%	White (Non-Hispanic)	38%	Asian	10%	Black/African American	7%	Other	4%			Males	13%	White (Non-Hispanic)	9%	Black/African American	2%	Asian	1%	Other	1%			Other/Unknown*	28%
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<p>Continuing Education</p>	<p>Massage therapists must complete 16 contact hours of continuing education within the 24 months preceding the date of renewal of licensure, from providers of courses approved by the Board.</p> <p><i>Code of Alabama 1975</i>, Sections 34-43A-19(b) <i>Administrative Rule</i> 532-X-6-.01(4)</p>																										

SIGNIFICANT ISSUES

Significant Issue 2025-001: During the sunset review period, the Board’s expenditures exceeded revenues received. The Board’s expenditures exceeded the revenues received by the Board by \$11,325.71 in fiscal year 2024. The *Code of Alabama 1975*, Section 34-43A-6(b)(3) (effective June 1, 2024) stated, “The board may do any of the following: (3) Adopt an annual budget and authorize necessary expenditures from fees and other available appropriations. **The expenditures of the board may not exceed the revenues of the board in any fiscal year.**”

The passage of Act Number 2025-395, Acts of Alabama, effective June 1, 2025, addresses this issue by amending the *Code of Alabama 1975*, Section 34-43A-6 to remove the language, “The expenditures of the board may not exceed the revenues of the board in any fiscal year.” from the statute.

Significant Issue 2025-002: The Board’s accounting records were not sufficiently maintained by the previous administrative services provider. Testing revealed that transfers from the vendor used by the Board for the collection of fees paid online for licensing and renewals lacked adequate supporting documentation to show the amount paid by each licensee.

The *Code of Alabama 1975*, Section 36-12-2 states, “All public officers and servants shall correctly make and accurately keep in and for their respective offices or places of business all such books or sets of books, documents, files, papers, letters and copies of letters as at all times shall afford full and detailed information in reference to the activities or business required to be done or carried on by such officer or servant and from which the actual status and condition of such activities and business can be ascertained without extraneous information, and all of the books, documents, files, papers, letters, and copies of letters so made and kept shall be carefully protected and safely preserved and guarded from mutilation, loss or destruction.”

Significant Issue 2025-003: The Board is not ensuring appointed individuals maintain statutorily required qualifications while serving on the Board. A Board member’s massage therapy license was expired for four months while serving on the Board. The *Code of Alabama 1975*, Section 34-43A-5(b) requires the seven members to be active massage therapist licensees.

Significant Issue 2025-004: The Board adopted an administrative rule relating to massage therapy establishment licensure that was not authorized by statute. The administrative rule requires a licensed massage therapy establishment to demonstrate and maintain the right to occupy the premises whereas the statute does not require this demonstration.

The *Code of Alabama 1975*, Section 34-43A-9 (effective June 1, 2024) stated the requirements for licensure as a massage therapy establishment to include:

- Establishment cannot operate as a sexually oriented business.
- Must contract with or employ only licensed massage therapists registered with the Board.
- Complete a criminal history background check.
- Submit to an initial inspection of the physical location of the proposed establishment.

Administrative Rule 532-X-4-.02(1), effective November 14, 2024, states in part, “A licensed massage therapy establishment must demonstrate and maintain the following requirements: (a) Right to occupy the premises as demonstrated by a deed, lease, or other document establishing lawful possession in the name of the sole proprietor, corporation, limited liability company, or partnership that holds a massage therapy establishment license...”

The passage of Act Number 2025-395, Acts of Alabama, effective June 1, 2025, addressed this issue by amending *Code of Alabama 1975*, Section 34-43A-9 to add the language requiring the applicant for a massage therapy establishment license to be the owner, lessee, or legal possessor of the physical establishment.

Significant Issue 2025-005: The Board adopted an administrative rule relating to the registration of massage therapy schools that is not authorized by statute. The administrative rule requires massage therapy schools to obtain registration as an assigned school through the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) at an earlier date than mandated by statute.

The *Code of Alabama 1975*, Section 34-43A-18(a)(3) states, “**Commencing on October 1, 2025**, submit proof to the board of registration as an assigned school through the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).”

The Board’s *Administrative Rule* 532-X-5-.01(9) effective November 14, 2024, states, “**No later than January 1, 2025**, an approved massage therapy school shall acquire and maintain registration as an assigned school through the National Certification of Therapeutic Massage and Bodywork Board (NCBTMB).”

Significant Issue 2025-006: The Board has not complied with certain provisions of Executive Orders issued by the Governor. The Board did not provide documentation for submitting the Constituent Service Survey to the Office of the Governor due on January 31, 2024 and July 31, 2024 as required by Governor Ivey’s Executive Order 726: Promoting the Faithful Execution of the Laws Within the Executive Branch of State Government.

Executive Order 726, effective January 17, 2023, requires regulatory agencies to semi-annually report to the Office of the Governor their efforts to respond to constituents when they complain about a licensee or other entity regulated by the agency. These reports shall be filed at a time, and in a format prescribed by the Office of the Governor.

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES

Eleven of the fourteen prior findings/significant issues have been resolved. The following prior findings/significant issues remain outstanding:

Prior Significant Issue 2023-003: The Board paid Smith-Warren Management Services, Inc. a total of \$11,000.00 for administrative, management, and logistical support prior to entering into an emergency contract. The Board paid Smith-Warren Management Services, Inc. \$11,000.00 for the month of September 2022. The invoice was dated September 1, 2022, and it was paid on September 12, 2022. Additionally, the Board paid for services rendered from August 9, 2022 through August 31, 2022, for which no emergency contract was in effect. The prior emergency contract expired on August 8, 2022, and the subsequent emergency contract did not become effective until September 30, 2022.

Current Status: Unresolved. The Board's emergency contract dated September 30, 2022, expired September 29, 2023. Thereafter, the Board submitted an administrative services contract with Smith Warren Management Services, Inc. to the Contract Review Permanent Legislative Oversight Committee (the "Committee") for its November 2, 2023 meeting. That contract was held by the Committee and released on December 12, 2023. On November 7, 2023, while the contract was being held, the Board submitted a letter to the Chief Procurement Officer (the "CPO") in an attempt to secure another emergency contract for administrative, management, and facility services. However, the CPO refused to approve the request for an emergency contract.

Ultimately, the Governor signed the Board's contract for administrative services with an effective date of January 16, 2024. On January 29, 2024, Smith Warren Management Services, Inc. submitted a claim to the Alabama Board of Adjustment in the amount of \$42,048.45 for services provided from October 1, 2023 through January 15, 2024. On January 29, 2024, the Board sent a request to the Alabama Board of Adjustment to pay the claim. The Alabama Board of Adjustment approved the payment to Smith Warren Management Services, Inc. on May 23, 2024.

Prior Significant Issue 2023-006: The Board did not notify the Secretary of State of a vacancy occurring as a result of a resignation in a timely manner. The Board member resigned on January 20, 2023 and the Board notified the Secretary of State on March 23, 2023, sixty-two days after the resignation. The *Code of Alabama 1975*, Section 36-14-17(c) states, "The chair of an existing board shall notify the Secretary of State by electronic means of a vacancy as follows: (2) For a vacancy occurring for any reason other than the expiration of a term, as soon as possible, and in any case within 15 days after the occurrence of the vacancy."

Additionally, the *Code of Alabama 1975*, Section 34-43-6(d) states, "*Vacancies on the board occurring prior to the expiration of a term shall be filled by the Governor within 30 days of the vacancy to serve for the remainder of the unexpired term.*" Each member of the board shall serve until his or her successor has been duly appointed and qualified."

Current Status: Unresolved. The Board did not notify the Secretary of State of vacancies occurring as a result of the expiration of terms for five members whose terms expired on September 30, 2023.

Prior Significant Issue 2023-009: The *Code of Alabama 1975*, Section 34-43-20(c) conflicts with the *Code of Alabama 1975*, Section 34-43-14(a)(5) regarding the registration of massage therapy instructors. The *Code of Alabama 1975*, Section 34-43-20(c) states, “The board shall register as a massage therapy instructor any applicant who meets all of the following requirements: (2) Has filed a completed application prescribed by the board and **paid a one-time application fee pursuant to Section 34-43-14.**”

However, the *Code of Alabama 1975*, Section 34-43-14(a) states, “By rule, the board shall assess and collect the following fees not to exceed: (5) One hundred dollars (\$100) to register **and renew registration** as a massage therapy instructor in this state.” A review of the Board’s cash receipts for fiscal years 2021, 2022, and 2023 (up to July 31, 2023) did not disclose instances of the Board collecting a renewal fee for massage therapy instructor licenses.

Current Status: Unresolved. There remained a conflict between the *Code of Alabama 1975*, Section 34-43A-18(c)(2) (effective June 1, 2024), which stated applicants submit a **one-time application fee** to satisfy the requirements for registration as a massage therapy instructor and the *Code of Alabama 1975*, Section 34-43A-12(a)(5) (effective June 1, 2024), which allowed for the assessment of **an initial and renewal registration fee** for a massage therapy instructor.

The passage of Act Number 2025-395, Acts of Alabama, effective June 1, 2025, addressed this conflict by amending the *Code of Alabama 1975*, Section 34-43A-18 by removing “one-time” from the statute’s language.

STATUS OF PRIOR SIGNIFICANT ISSUES FROM QUESTIONNAIRES

Prior Significant Issue 2023-013: Licensed massage therapists and massage therapy establishments responding to our surveys have a negative perception of the Board regarding how the Board conducts its day-to-day operations. Requests for participation in our surveys were sent to 119 licensed massage therapists and 100 licensed massage therapy establishments. Twenty-seven licensed massage therapists and twenty licensed massage therapy establishments responded. Twenty-four of the twenty-seven licensed massage therapists (88.9%) and fifteen of the twenty licensed massage therapy establishments (75%) stated the Board was the most significant issue currently facing their profession in Alabama. Reasons cited for this perception include:

- Sixteen of the twenty-seven licensed massage therapists (59.3%) and nine of the twenty licensed massage therapy establishments (45%) responded the Board's laws, rules, or policies are an unnecessary restriction on their practice.
- Eighteen of the twenty-seven licensed massage therapists (66.7%) and nine of the twenty licensed massage therapy establishments (45%) responded licensees are not adequately informed of the Board's positions, policies, rules, and laws.
- Fifteen of the twenty-seven licensed massage therapists (55.6%) responded that the Board does not respond to inquiries in a timely manner.
- Fifteen of the twenty-seven licensed massage therapists (55.6%) responded that the Board does not perform licensing and renewals in a timely manner.

Current Status: Unresolved. Surveys were sent to 100 licensed massage therapists and 100 licensed massage therapy establishments. Twenty-two licensed massage therapists and twenty licensed massage therapy establishments responded, and the following items were noted:

- Fourteen of the twenty-two licensed massage therapists (64%) and eight of the twenty licensed massage therapy establishments (40%) responded the Board's laws, rules, or policies are an unnecessary restriction on their practice.
- Thirteen of the twenty-two licensed massage therapists (59%) and nine of the twenty licensed massage therapy establishments (45%) responded licensees are not adequately informed of changes to the Board's positions, policies, rules, and laws.
- Sixteen of the twenty-two licensed massage therapists (73%) and eleven of the twenty licensed massage therapy establishments (55%) responded that the Board does not respond to inquiries in a timely manner.
- Fifteen of the twenty-two licensed massage therapists (68%) and twelve of the twenty licensed massage therapy establishments (60%) responded that the Board did not perform their renewal in a timely manner.

FINANCIAL INFORMATION

Schedule of Receipts, Disbursements, and Balances

October 1, 2022 through September 30, 2024

	<u>2022-2023</u>	<u>2023-2024</u>
<u>Receipts</u>		
Massage Therapists License Fees	\$ 209,160.00	\$ 169,725.00
Miscellaneous Fees	4,605.00	14,460.00
Professional/Occupational Board Penalties	101,300.00	60,000.00
Total	<u>315,065.00</u>	<u>244,185.00</u>
<u>Disbursements</u>		
Personnel Costs	66,612.02	75,351.06
Employee Benefits	6,415.00	8,613.93
Travel, In-State	32,547.03	26,730.16
Travel, Out-of-State	2,571.65	
Rentals & Leases	791.68	195.84
Utilities & Communications	3,790.89	3,678.71
Professional Services	152,651.20	133,563.88
Supplies, Materials, & Operating Expenses	6,434.30	7,377.13
Total	<u>271,813.77</u>	<u>255,510.71</u>
Excess (Deficiency) of Receipts over Disbursements	43,251.23	(11,325.71)
Cash Balance at Beginning of Year	43,313.92	86,565.15
Cash Balance at End of Year	<u>86,565.15</u>	<u>75,239.44</u>
Reserved for Year-End Obligations	<u>(20,523.14)</u>	<u>(69,769.80)</u>
Unobligated Cash Balance at End of Year	<u>\$ 66,042.01</u>	<u>\$ 5,469.64</u>

QUESTIONNAIRES

Board Member Questionnaire

A letter was sent to all nine members of the Alabama Massage Therapy Licensing Board requesting participation in our survey. Two participated in our survey. The percentages are based on the number who responded to the question.

1. What do you consider the most significant issue(s) currently facing the Alabama Massage Therapy Licensing Board and how is the Board addressing these issues?

Board Member #1 – “We are a new board and still getting settled in with our new appointments. I am not able to answer this question at the moment.”

Board Member #2 – “Funding. Trying to find alternate means.”

2. What, if any, changes to the Board’s laws are needed?

Board Member #1 – “We are a new board and still getting settled in with our new appointments. I am not able to answer this question at the moment.”

Board Member #2 – “Leniency as far practicing without a license because administrative issues.”

3. Do you think the Board is adequately funded?

No	2	100%
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4. Do you think the Board is adequately staffed?

No	1	50%
Unknown	1	50%

5. Does the Board receive regular reports on its operations from the Executive Director?

Yes	2	100%
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6. Has the Board experienced any significant change to its operations?

Yes	1	50%
Unknown	1	50%

7. Does the Board plan to make any significant changes to its operations?

Yes	1	50%
Unknown	1	50%

8. Do you have any additional comments you would like to make?

Board Member #1 – “As previously mentioned, we are a new board, and I would like to recognize [REDACTED] [REDACTED] and her team for organizing a thorough orientation to help us become better acclimated to our new roles. I truly appreciate her hard work and dedication to ensuring our board operates smoothly.”

Board Member #2 – “Issuing more temporary licenses than fines should be implemented until we get all the system integration completed.”

Massage Therapist Questionnaire

A letter was sent to one hundred licensees requesting participation in our survey. Twenty-two participated in the survey. The percentages are based on the number who responded to the question.

1. What do you consider the most significant issue(s) facing your profession in Alabama?

Respondent #1 – “Illegal providers - non licensed, shingle hangers at nail salons etc.”

Respondent #2 – “Uncertainty in board management”

Respondent #3 – “Affordability of education”

Respondent #4 – “1. Stigmatism connected to prostitution AND active establishments continuing to operate under the guise of “touch therapy”; connected to this, trafficked labor. 2. Expense of operating a small business connected to board/state fees and licensure costs. 3. Lack of government support covering unemployment costs during times of crisis/injury/pandemic.”

Respondent #5 – “The sudden new requirements for licensing for someone who has been doing this 30 years. There should have been some amount of grandfathering for old timers. I hear it is often a front for human trafficking, but the board can’t fix that. That is an issue that has to be addressed by law enforcement. The Board has no legal standing to deal with that. If someone wants to break the law and practice without a license, they will just do it and probably get away with it until police intervene.”

Respondent #6 – “Non licensed businesses no matter who works there It should be illegal to put up any advertising with the word “massage” being used without a state license not just a city license.”

Respondent #7 – “The ability to hold my license in Alabama without burdensome regulations that serve no requisite need.”

Respondent #8 – “The lack of communication in the old board in general & losing documents. Also, a problem with the new board in regards to license renewal. When try to contact for issues, phone calls nor emails were not returned.”

Respondent #9 – “At this time, how the board is handling executing renewal licenses.”

Respondent #10 – “1) Economic hardship in current uncertainty. 2) The fact that most LMT have too high overhead if they work for themselves and are to exploited by corporate employers. 3) Over regulation by the state legislature and unresponsiveness of the board.”

Respondent #11 – “The current massage board.”

Respondent #12 – “Lack of security and respect. We need to create better policy to separate massage therapists from sex workers. Other areas in the US have done this by legalizing sex work to keep everyone safer. Massage Therapists in the area are then better identified as just that.”

Respondent #13 – “Having a board that understands massage therapy.”

Respondent #14 – “Antiqued laws in various municipalities about massage therapy.”

Respondent #15 – “It is difficult to get fingerprints done in the town I live in. It was stated that the state Patrol office could do the task and that was not the case.”

Respondent #16 – “Reciprocity”

Respondent #17 – “A licensing board that improperly manages disciplinary under the guise of consumer protection.”

Respondent #18 – “Lack of recognition in the medical community; being under the nursing board instead of a Massage Therapy Board as we have always been.”

Respondent #19 – “I believe that sex workers marketing their services as ‘massage’ are the most significant issue facing LMTs in Alabama. However, I do not feel that the new board of massage is doing a good job of keeping this issue under control with all of the new rules/regulations, it’s just making it harder for those of us who do actually follow them.”

Respondent #20 – “Misuse of the profession. Disorderly conduct from clients and therapist.”

Respondent #21 – “Enforcement of Standards of Practice”

Respondent #22 – “Too much red tape. Massage is a profession that up until 10yrs ago was considered reputable. We all feel like we have been placed in a category with sex crimes and none of this was in our control. Before the MBLEX exam, these illicit businesses were unheard of. Now after this national exam, they are everywhere and being licensed nonetheless! Our boards are licensing criminals and professionals are paying the price.”

2. Do you think regulation of your profession by the Alabama Massage Therapy Licensing Board is necessary to protect the public welfare?

Yes	19	86%
No	3	14%

3. Do you think any of the Board’s laws, rules, or policies are an unnecessary restriction on the practice of your profession?

Yes	14	64%
No	6	27%
Unknown	2	9%

4. Are you adequately informed by the Board of changes to and interpretations of the Board’s positions, policies, rules, and laws?

Yes	8	36%
No	13	59%
Unknown	1	5%

5. Do you consider mandatory continuing education necessary for the competent practice of your profession?

Yes	19	86%
No	3	14%

6. Does the Board respond to your inquiries in a timely manner?

Yes	3	14%
No	16	72%
Unknown	3	14%

7. Has the Board performed your licensing and renewal in a timely manner?

Yes	7	32%
No	15	68%

8. Do you have any additional comments you would like to make?

Respondent #1 – “I have not had to renew under the "new board" yet so I have not had to stimulate the system to know if it's good or bad. CEU's esp non science based are worthless to a true therapist - IMO = 30 years experience. Medical massage providers are restricted by some of the laws governing massage.”

Respondent #2 – “No”

Respondent #3 – “The board has been completely unresponsive, the new requirements for licensing and the process has made it almost impossible for ppl to maintain or begin work in a timely manner. The requirement for continued background checks and fingerprinting is ridiculous.”

Respondent #4 – “Many of the imposed requirements from the nursing board to renew licensure seem excessive and are a redundant, inconvenient expense.”

Respondent #5 – “I seriously considered retiring because of the new establishment and fingerprint policies. I think those are ridiculous for someone like me. I have never advertised and I have worked in my home for 30 years with no complaints.”

Respondent #6 – “Been in practice 20 years. We certainly need more “inspectors” to work the state. Always been pleased with them but I’m 100% licensed...etc. Also, a strong idea is to close any business who works unlicensed people for a year with a penalty. Not just remove that person. What good does it do to remove the person and let the business stay. They’ll just do it again with new people. Also, the testing to qualify someone for a license needs to be more controlled in one place to prove that person is the one seeking a license. I know in the past, the cosmetology board required someone to come to Montgomery and pass the test with a certified state tester with an identification required. I do like the fact we now are under the board of nursing. I do like the fact now that we have to be finger and I do like the fact that we have to have CEUs and a license for our location . Ask your inspectors honestly what they see and what they want to correct some of these problems a monetary fine does not seem to be a deterrent for some of these businesses if they get to remain open. My community does this, but I would like that all city and county business license for a massage business be required to see the state license first or they cannot issue a local business license. I’m sure I can think of more things but overall, I have been very pleased how I have been treated and supported since 2004.”

Respondent #7 – “Criminal background checks are good. Especially weed out people guilty of sex crimes. CEUS are a scam, an expensive one and they should be voluntary only. Massage is a tactile profession. The best and most requested therapist at the [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED] for years was a legally blind man who could barely pass a written test. Eliminate sole digitization of licensing and renewals. PLEASE let the board receive hard copies of documents. Going all digital is fraught with poor technology and tech support. Real people processing real copies has worked well for hundreds of years. - The new law requiring mobile therapists to come under the umbrella of an existing massage establishment, or obtain a massage establishment license of their own is unnecessarily onerous and needs to be repealed. What was the purpose of this legislation? Who pushed for it? Has there been significant amount of DOCUMENTED criminal activity by mobile massage therapists? On the whole, prostitutes do not bother to get a massage license and their activity is already governed by other criminal codes. Don't make the many wonderful and upstanding massage therapists suffer more expense and paperwork for the minority criminals. - I have been a licensed massage therapist since 1974. Though I am formally retired, occasionally I still may do a house call. Until this year I held active licenses in Florida, Maine and Alabama. I did not renew my Alabama massage license though in January I completed all of my documentation for renewal, purchased and completed the requisite CEU's, passports photos, fingerprinting in Scottsboro etc., but because two hyperlinks refused to work and I could not upload my (manifold) documents. When I called, I repeatedly received the message that it may be a long wait “due to the high volume of calls we are receiving...” Totally bogus. I called once and let it ring for FIVE hours. No one answered. I realized that no one was even there. Not nice to leave that untrue message on the machine. I am happy that this inquiry is happening. I hope to see beneficial results. Alabama is my legal residence and it is a wonderful state.”

Respondent #8 – “It took from October 2024 until March 2025 to renew my license. This nearly costed me my business. I couldn't even get a response or a call back to find out what was wrong. It said they were missing documents. I had sent it certified mail with receipts of delivery and still had to resubmit. Even after resubmitting, it took months. I do understand that the nursing board inherited a big mess but the lack of communication for therapists could very well cost someone their livelihood. I do want a board. I feel like it is absolutely necessary, we just need organization and communication.”

Respondent #9 – “I answered “no” to #7 because have not had to renew yet but I do not like hearing that I need to start the process 3 months in advance to ensure it is completed before my license expires. There should be a grace period for the board to review, especially if reviews are only done once a quarter. If there is a timeline for us, the board needs to have a timeline & be efficient in renewing. There are existing establishments that have been in practice for decades in good standing. I don't think the finger printing is important to our legitimate profession either, especially if we are having a background check.”

Respondent #10 – “2) the board should exist to insure the public safety and make sure the people who practicing in the field are properly trained. 3) The legislation seems to want to make fighting Human Trafficking/Sex work an issue for the board and individual LMTs to deal with, this is NOT our responsibility, it is not something we agreed to when we enter the field. 4) there should be a State handbook with all our rules and regs handed to us when we get our license and updated every year or every time we renew license. 5) I am always happy to learn more about my chosen profession, but as someone who has logged 72 hours of CEUs I feel the need to explain most of them are a joke. There seems to be no way to take a course that would be a refresher on safety protocols and an expansion on newest medical science that effects our field. 6) I have called the board and straight up been told they will not call me back, I have emailed and someone’s heard back 6 weeks later, sometimes never. 7) What is timely for renewal? 30 days? 60-90? With the rules having changed so many times in the last two years? Thank you for reading all this.”

Respondent #11 – “The old Massage Therapy board was fantastic and was run very efficiently. That board was targeted and changed unnecessarily thanks to a now notorious woman named [REDACTED], and also my terrible, selfish State Senator [REDACTED] (he has no concern for his actual constituents, by the way). The new board under the Board of Nursing is legitimately endangering our profession. This profession IS NOT safe unless it is regulated, and the current board is not currently regulating it to an acceptable standard. For the record, I have been licensed in other states and the current unstable situation with the Alabama Massage Board is terrifying. Under the current massage board I am dreading the process of renewing my license later this year, especially after hearing from my peers about the drawn-out night-marish process of doing so. Alabama and this sunset committee needs to get it together, and fast. You’re hurting a very important healthcare and wellness industry.”

Respondent #12 – “Rules and regulations are only valuable and important if it is fact based. It is a complete drain on our resources, time & dignity if we are abiding by this type of authority when it has nothing to do with the reality. I'm requesting that all governing bodies engineer all forms of dominance with a clear and open mind to better support a wealthier and healthier world.”

Respondent #13 – “We need a board that has an actual massage therapist on it!”

Respondent #14 – “In Alabama, massage therapy is more than just a service—it’s a respected profession contributing significantly to the well-being of its residents.”

Respondent #15 – “No”

Respondent #16 – “I think the board should consist of at least 2 massage professionals. And IMPACT is absolutely essential for my profession.”

Respondent #17 – “I have been a licensed massage therapist in Alabama since 2009. During this time, I have not once received a disciplinary or had any issues with my license. In November of 2024 I realized that my Establishment license had expired. I attempted to correct this issue immediately and this is what happened: Under the previous administration, they were facing sunset during April 2024 when my Establishment License expired. The former administration had “shut down” operations already due to a contract conflict. So needless to say, the communication for that last month of their management was non-existent. I failed to renew my Establishment license (first time ever), I was working inside a professional salon. Please also understand that EVEN IF I had realized this sooner, I would have not been able to do so as when the ABN took over in June 2024, they sent out a notice to all massage therapists and Establishment Owners that they were DELAYING renewals and extending expiration dates while they completed the merger. The New administration also announced in Sept/October that their website was not performing correctly and they were giving extensions through Dec 31 2024. On Nov 7th 2024 I realized that I had not renewed my Establishment License. I IMMEDIATELY informed this board that there was no renew button and that it slipped my mind over the course of the past several months to renew my Establishment. When I realized the Establishment was expired I IMMEDIATELY stopped working. Instead of correcting the online renewal issue and giving me a late fee, several weeks later (after many attempts to get contact had failed) I received an email telling me that my renewal was in “legal review” and that I could not work until it was done. I was told I was going to have to be inspected before working. However, the board had not met, and I didn’t see my case on their agenda at any point. This was confusing to me because I should have just been able to pay a late fee and go on, but that is NOT what happened. This board went several months before they “opened a case”. The inspector NEVER came to the location, although he lied and said he did and saw me working, which never happened because I was not there, I took a part time job with massage envy to try to stay afloat. They did NOT give me a case number until AFTER I was forced to hire legal counsel. This board met 3 times in person after all of this began and never once listed me as a disciplinary, nor did this board ever VOTE on the actions to take against me. The administration simply sent me a consent agreement and told me to sign it, without a board vote! Thankfully I hired an attorney because this entire process was done against Administrative Procedures. Every time I would ask for an update, I was told that “it was in legal review”, yet not once, in any meeting minutes does it show that my case was even established or that a consent agreement was approved by the board. After hiring the attorney and spending MORE money that I was not making, the “approved” my renewal. Also without a board vote. Licensees should not have to hire legal counsel to represent them against an agency unless they have committed a criminal act. In my case, I simply forgot to renew and this board “postponed” renewals. The consent agreement that was sent to me was never part of any board action, it was simply the administration handling these things without the board knowing anything about it. Bottom line is, this board is bypassing the Administrative Procedures Act of Alabama and unlawfully filing charges, holding licensing renewals, and sending consent agreements then afterwards----asking the board to “ratify” it. Finally on February 27th 2025 I received an email that my Establishment was renewed. On the website it shows it was renewed but as of TODAY 4/26/2025 I still have NOT received my copy of the Establishment License to hang on the wall in order to be compliant with statute.”

Respondent #18 – “Renewal was incredibly difficult; I was charged a \$75 late fee even though I was renewing more than 30 days early. Emails and phone calls went unanswered unless I was able to reach someone at/near the head of the board. The new renewal process is atrocious. Massage Therapists do not belong under the nursing board! My last 2 renewals were incredibly easy under the Alabama Board of Massage Therapy. However, the opposite couldn't be further from true under the nursing board. Communication has not been clear and concise since the change. If the medical community doesn't want us - please put us back under a newly formed MASSAGE THERAPY board. And It's clear the nursing board doesn't want us there; many of my fellow therapists and coworkers feel the same.”

Respondent #19 – “Things weren't great before the board of nursing took over but they're REALLY bad now. They do not answer the phone, don't respond to emails & don't do anything in a timely manner. The new website is extremely hard to use & no one can seem to keep all of the new rules straight. Different pages of their website give different information & it is confusing for someone who is trying to renew a license, make changes, etc.”

Respondent #20 – “\$50 for a temporary license, while waiting on actual license to be received is being taken advantage of. It shouldn't cost anything especially when the problem is not the therapist, but the systems.”

Respondent #21 – “The Board of Massage Therapy should not be under Nursing.”

Respondent #22 – “We are as tired as everyone else is regarding massage therapy. The former management company needs to be in jail for the condition we were left in. There's too many barriers for us to just do our jobs. We are required more hours than an EMT who does life saving work, yet we are seeing no progress in reducing prostitution and sex trafficking. It is almost like everyone wants us to be licensed, but from where I sit, there's no longer a benefit of even having one when we have 10 questionable businesses around each corner. Ask yourself, how did a non-English speaking person pass an Exam that is only in English? The answers are there. The FBI needs to investigate the old manager and every license ever issues to where they passed this so-called exam.”

Massage Therapy Establishment Questionnaire

A letter was sent to one hundred licensees requesting participation in our survey. Twenty participated in the survey. The percentages are based on the number who responded to the question.

1. What do you think is the most significant issue(s) currently facing your profession in Alabama?

Respondent #1 – “Licensing response times and false reports of unprofessional conduct.”

Respondent #2 – “lengthen of time to renew or receive new licenses. Not having to do fingerprints every 2 years. If they are kept on file I see no need to keep redoing them.”

Respondent #3 – “The unlicensed massage parlors in our area charging \$40 for a massage and another fee for a happy ending.”

Respondent #4 – “The lack of the benefits of massage and how is therapeutic massage is very helpful for well being. It's not just something to relax.”

Respondent #5 – “People operating without licenses and giving us legit massage therapists a bad name by performing unethical practices. The penalties for sexual misconduct seem to be a slap on the wrist and the investigators don't seem to do enough to stop it when reported.”

Respondent #6 – “The Massage Board is not staffed properly therefore allowing bad actors to operate illegally all the while making the rule followers who are trying to obtain a license or renew a license so extremely difficult and time consuming that they lose hundred or thousands of dollars in revenue waiting for approvals that should only take a matter of days.”

Respondent #7 – “Eliminating unlicensed establishments and "therapists”.”

Respondent #8 – “Lack of awareness in the community among laymen and professionals about the medical utility of massage therapy for pain relief, stress relief and general health and wellness. Too many people (massage therapists included) think of Massage as simply a luxury service to be enjoyed as a gift or momentary escape from the stresses of life. They are completely unaware of the therapeutic applications that can help them reduce pain, swelling and toxic levels of stress that are undiagnosed or left untreated with nary the thought that including massage into a wellness routine could manage the condition, if not completely remedy it. We also need to work on the language associated with massage. They are Massage Clinics, Practices or Offices... not parlors (that's a different profession). We are Massage Therapists, not Masseuses or Massage Call Girls (again, different profession). We use Treatment tables, not beds. If we can not use professional language and practices for what we do, then we will never earn the respect from the general population or other medical practices that we should have.”

Respondent #9 – “The uncertified, unlicensed & unregulated businesses that are allowed to advertise & operate under the guise of “massage.”

Respondent #10 – ““OVERREGULATION UNDER THE GUISE OF CONSUMER PROTECTION: Just so lawmakers are aware, this CURRENT administration REFUSES to publish disciplinary actions on the website for consumer and employer review. When asked, we are told that "it is in the minutes". If we are really protecting consumers with this agency then let's give them the tools to be protected. Disciplinary actions should be public knowledge within ANY licensing agency, especially massage therapy. A client is NOT going to dig through months of minutes to see if their therapist has ever faced disciplinary actions for any violation. This is one of many examples of how this agency is created under the guise of consumer protection. The main issue in this state and across all state lines is that Law Abiding Massage Therapists are presumed to be prostitutes. This word is mentioned in our statute over 20 times. Prostitution is already a criminal offense in this state. NO OTHER profession specifically tells the licensee that they cannot have sex with their customers, why? Because Prostitution is a crime. Massage Entry should absolutely involve a background check and repercussions for offenders of sex crimes, HOWEVER, it appears that the State of Alabama and our elected officials have put the job of "cleaning up" sex rings and human trafficking on the backs of massage therapists and this is a SIGNITIFICANT issue. Lawmakers in Alabama need to come to the table and consider our industry as professional. Those who violate statute after licensing are not get prosecuted criminally, they are simply given a fine and probation and allowed to continue their work. At this degree, those of us who are professional and follow every intent of the law we are viewed as "less than" in the healthcare industry due to the simple fact that "our law" tells us we cannot have sex with our clients, therefore everyone MUST be doing that. This issue came about with the Previous Administration, BUT, instead of cleaning up problems, the former Executive Director simply handed them a rubber stamped license. AT WHAT POINT are we going to SEPARATE and UNTANGLE Sex work from therapeutic Massage Therapy that is prescribed by medical doctors and PROVEN to assist in overall well-being? IT IS NOT THE JOB OF THE MASSAGE THERAPY BOARD TO UNRAVEL SEX FROM OUR STATE and it is well past time for lawmakers to consider this an issue and provide professional language in our practice act that does not include "prostitution, sex shop, sex work". The Definition of Massage Therapy does not include the term sex work and neither should our bylaws. Frankly, the only complaints coming in are sex related. The public needs to be educated on how to report sex crimes then allow the LAW ENFORCEMENT Agencies to go first in these situations. IT IS A CRIME, not a CIVIL action. REVOKE the license and move forward with criminal charges OR let's deregulate massage because at this point NO ONE is regulating MASSAGE, they are regulating and penalizing sex and prostitution.”

Respondent #11 – “Having worked in two other states where the Board of Nursing oversees licensing for massage therapists, I was particularly impressed with how streamlined and efficient their renewal process was. Renewing both individual licenses and establishing licensure under the Alabama Board of Nursing was straightforward and user-friendly. I would like to be able to renew both licenses at the same time if possible to eliminate redundancy. I am overjoyed to see that the massage industry here in Alabama is now under the oversight of the Nursing Board. This change brings a significant level of structure and accountability that will undoubtedly support our continued growth and professionalism within the state. I understand that any transition or change in management can involve a period of adjustment, trial, and error. However, I want to commend the professionalism and promptness with which I have been assisted whenever I’ve reached out via email or phone. The support I have received from [REDACTED] [REDACTED] and [REDACTED] [REDACTED] has been exemplary, and I sincerely appreciate their dedication and responsiveness.”

Respondent #12 – “Proper licensing is necessary to protect the professionalism of the profession and to maintain high standards, however I feel more input should be provided by establishment owners and there should be an apprentice program put in place or online education. Nursing degrees may be obtained online.”

Respondent #13 – “The Asian facilities giving us a negative look. They should have to provide proof of license from an actual school not an online program.”

Respondent #14 – “Unlicensed therapists and establishments using massage therapy as a front for human trafficking. Also the massage organizations and the FSMTB pushing for laws that would allow the therapist that participate in these crimes an easier path to move from state to state to escape the law. These multi million organizations only have their best interest in mind.”

Respondent #15 – “The answers to any question is different depend on who you talk to at the nursing board. This makes anything you need processed a long and frustrating process.”

Respondent #16 – “Probably the issue of getting the public to pay the higher price for massage with all the increasing cost of living. Also, other establishments practicing massage without an establishment License.”

Respondent #17 – “That people see us as professionals who are educated and committed to facilitating wellness. We want to be treated respectfully and fairly, and not be financially exploited, or seen as people who offer sexual favors. I’ve been a licensed massage therapist in Alabama for over 30 years and we had to work hard to convince the public that we have professional integrity. We showed up and worked for free at health fairs and we gave speeches, etc. Through the years I have seen public awareness change regarding this negative image of massage therapy. I do not think licensing helped to change the awareness of the public. I have never seen the ALBMT post any media to promote our professional integrity. I think it was the massage therapists themselves who changed the public image of massage therapy, not the fact that the public can see a license number on our wall or on our advertising. My clients come from word of mouth. Not one client in 30 years (before licensing or after) has ever asked or mentioned anything about a license when making their first appointment.”

Respondent #18 – “Clients increasingly associate massage therapy with illicit activities due to unethical practitioners operating under the guise of legitimacy.”

Respondent #19 – “1. I’m concerned about the possibility that people being placed in positions to make determinations about what massage therapy practitioners can and can not practice under the scope of massage therapy will become over regulated. There’s specific terminology designed to the practice of massage therapy and to the modalities within each subdivision of those actions. In recent changes, the wording appears to list specific terms which gives the impression those modalities practiced outside of Swedish massage strokes, for example, would not be permitted or are restricting practice by omitting the proper terminology. This is concerning for obvious reasons. I’ve practiced in Alabama for 17 years using various modalities I’ve learned from workshops and training that I incorporate at will or as needed within a massage session based on my clients presented issues. I’m not welcoming the possibility that someone is attempting to tie my hands because of their lack of understanding and overreaching into something that they don’t understand. As a registered nurse, I see this as the same ability to make nursing judgements as to what is most appropriate for the patient without waiting for the doctor to appear bedside before I call for a code, giving the patient water, lifting the head of the bed or providing suction to a patient with unmanaged secretions. An example of this is working with breast cancer survivors who have had or want to have breast reconstruction and need work done on their scar tissue and sometimes the skin surrounding their new implants. This is a professional and respectful practice that makes a big difference in the quality of life for these survivors. The current written wording appears to restrict the ability of a massage therapist to perform any treatment for clients seeking relief for these specific issues. It’s almost impossible to get a human on the phone right now to clarify whether I can practice nonsexual connective tissue therapy on/over breast tissue for the intent of promoting healing to that area of trauma. If there’s a problem with the baseline knowledge for therapists, address that. 2. There’s a tremendous problem with professional communications going through Facebook pages in place of through registered mail or email. I’ve been licensed in Alabama for 17 years and had to go through social media to find the proper contact information to get in touch with the current regulatory board to confirm and clarify contradictions to the process of opening an establishment. The information online was not updated in a timely manner and the telephone was not manned. I reactivated my deactivated Facebook page after speaking to a colleague about a group she found. Continuous posts are made on a this Facebook group updating therapists on what they need to do and how or who to contact to get these things done. Like requesting a renew button be added to your account so you can renew your license! Why are formal letters or emails not being sent out to inform the licensed therapist of that information? Not acceptable and not ok. Licensed Massage Therapists should be contacted by their board regarding these matters and not surfing Facebook to avoid penalties or delays on their renewals. That’s embarrassing.”

Respondent #20 – 1. The nursing board is not very effective to responding to LMTs. 2. I don't think anyone needs to register their workplace. 3. You can't renew multiple licenses under one email address. 4. When registering establishment and LMT then you paid for background check; that needs to be separate. 5. Why is there a need to get others who lease property to also have their name connected with establishment or workplace?”

2. Do you think regulation of your profession by the Alabama Massage Therapy Licensing Board is necessary to protect the public welfare?

Yes	16	80%
No	4	20%

3. Do you think any of the Board's laws, rules, or policies are an unnecessary restriction on the practice of your profession?

Yes	9	45%
No	8	40%
Unknown	3	15%

4. Are you adequately informed by the Board of changes to and interpretations of the Board's positions, policies, rules, and laws?

Yes	9	45%
No	9	45%
Unknown	2	10%

5. Does the Board respond to your inquiries in a timely manner?

Yes	8	45%
No	11	55%
Unknown	1	5%

6. Has the Board performed your licensing and renewal in a timely manner?

Yes	8	40%
No	12	60%

7. Do you have any other comments you would like to make?

Respondent #1 – “We pay higher fees for an inadequate governance for our profession. The instability over the last few years have increased our stress levels tenfold. We can’t tell what will happen from day to day. What is worse, we have no chance to refute a customer with an agenda or a disguised competitor when they complain to the board. We have waited for an unreasonable amount of time to get anything accomplished. We need updated establishment licenses for a city business license. We can’t do that if it takes forever.”

Respondent #2 – “Getting an establishment license took 2 months. I had to pay rent for those months without being able to work. A temporary license would have been great so I could have started to make money. The process to renew your license is a little extreme.”

Respondent #3 – “The renewal process is unacceptable. We expired in December and the system says everything has been received by the end of December and active since 2/5/25. However I still haven’t received a new license.”

Respondent #4 – “No”

Respondent #5 – “I believe when you ask the question about regulation whether it’s necessary it’s to an extent. Because the point of having the proper licensing is a regulation already in place. Not to dictate how someone should run their business. As long as their business is not illegal, unethical, or immoral, the board should approve. I do believe people shouldn’t be able to run rampant offering services without the proper credentials and training. People are being harmed by individuals providing services they are not qualified to perform. Also to become a member of the board there should be a better system in place so everyone can have an opportunity to serve on the board if they desire to. Not everyone knows the governor nor has access to become selected.”

Respondent #6 – “Get your act together. If we are going to be forced to operate under the rules and regulations and pay the fees, we should have support. Hire the right people to do the job.”

Respondent #7 – “I feel like all of the business in Alabama that says massage should be inspected and shut down if they do not have an establishment license and proof of a licensed massage therapist in a management position.”

Respondent #8 – “I haven’t yet had to renew under the new board, so I can’t say how long that’ll take.”

Respondent #9 – “It took me roughly 7 months to obtain a change of address establishment license. During the course of that time, I sent multiple emails (7) inquiring about it & received ZERO response. In addition, I called multiple times and never got a person. On two separate occasions I stayed on hold in the answer announcement que waiting for someone to actually answer for 45 minutes each. The lack of communication by this present governing body is inexcusable!”

Respondent #10 – “It is IMPERATIVE that lawmakers understand that even though the board of nursing graciously took us over, there are still major problems that can only be fixed with legislative change. It is IMPERATIVE that elected officials understand that "consent" agreements PRIOR to a board voting on them is a way to bypass the intent of legislation. This bypass takes away the oversight of the appointed board and leaves it solely in the hands of the "legal team" and administrative staff. There is no scenario where a consent order should ever be issued, much less signed, prior to board review. This is why emergency suspensions exist in APA. If this is an immediate threat to consumer safety, then utilize the process to suspend licensees. However, where are the criminal charges after this. I have yet to see any criminal charges from this administration but I see 5,000.00 consent agreements and probation. ANY VIOLATION OF THIS CHAPTER is a Misdemeanor, this board is Civil, they have no jurisdiction over Misdemeanors. BOARD COMPOSITION: It took 7 months for the Massage Board members to begin their service. Logistically it made sense because the ABN claimed they were waiting to do orientation all at one time. However, when there was enough appointments for a quorum, this should have been completed as rules were being changed without the voice of Massage Therapists to chime in (which is one of the reasons rules have had to be revised and corrected multiple times). FINANCES: We are on the brink of raising fees for licensees because the former administration left this board 45,000.00 IN THE RED while violating every portion of statute written. We are not only "pretending" that regulation of "Massage" is needed, but we are now going to force Licensed Massage Therapists to foot the bill for the failures of a contract holder? In what other scenario in this state does that happen? 30 years of a board with NO RESERVE when the Nursing Board took possession of this agency? Why? Because the contract holder was taking more money than the board was bringing in unless he charged excessive fines! THIS IS NOT OKAY. RULE CHANGES: There should never be a situation where rules are changed without EVERY licensee being sent an email to review them and informed of how to make public or written comment. This goes for any agency. When rules are changed, licensees should have an opportunity to review them and speak. Publishing them on a website is not good enough anymore. Licensees are charged with the obligation to abide by these rules or receive a fine. This agency and all others should be mandated to EMAIL proposed rule changes. COMMUNICATION: It should not take weeks for a response from an agency on any matter. Massage Therapists across this state are going weeks and weeks with no response and some of them are time sensitive. We understand the large undertaking of massage and appreciate the ABN, however, this needs to get cleaned up and quickly. OVERALL: Regulatory mandates are out of control and even with the support and guidance from the Nursing board they are not able to rectify 30 years worth of mismanagement. AND EVERY BOARD SHOULD BE MANDATED IN THE OPEN MEETINGS LAWS TO HOLD VIRTUAL MEETINGS FOR THE PUBLIC TO VIEW!!! We should not have to keep begging for recordings or begging to see what took place in these OPEN meetings. There is not a facility large enough to house every licensee who wants to attend. Lawmakers need to change these standards and require this across all agencies. Most of them have a facebook page or an ipad, it is not too complicated to live stream meetings. The lawmakers do it, so the agency boards should too.”

Respondent #11 – “See above statement.”

Respondent #12 – “Renewal should be simpler for therapists and establishment owners.”

Respondent #13 – “The transitional period of the board being governed by the B.O.N has been a confusing and long process for massage therapists to get reinstated.”

Respondent #14 – “Overall I am pleased with most of the changes, however, I have been a therapist before the board was founded and the cities were doing an excellent job at that time in protecting the public in every way. That included finger printing, background check photos, and education.”

Respondent #15 – “I do understand that the nursing board had to take over the massage board with no notice so they definitely deserve some grace. However, it took months to process my application for an establishment license putting me out of work from the end of October until the end of March. I know that they are overwhelmed but because of their failure month after month to have a board meeting and sign off on my necessary paperwork I was greatly impacted. I made multiple calls to the board of nursing and emailed multiple people multiple times and no resolution was ever attempted. What was done cannot be changed but I do ask that in the future there be a more efficient process to get licenses processed. Every case number has a real person behind it that has a family depending on their income. Please in the future put policies in place to keep this from happening to more therapists who find themselves in this situation. There also needs to be clear communication on what the boards expectations are so that we can ensure we are following all rules and regulations. Thank you and I hope that we can all work together to make this new board the best that it can be.”

Respondent #16 – “I renewed my business establishment license and, all went smooth other than the license has the incorrect address on it.”

Respondent #17 – “I felt that the process of getting my licenses renewed was complicated and stressful, however, I’m grateful for the change in leadership and that the fees remained reasonable.”

Respondent #18 – “The actions of a few unethical individuals threaten the credibility of Alabama’s entire massage therapy profession. By taking decisive steps to root out misconduct, the Board can safeguard public safety, uphold the value of licensure, and ensure that dedicated practitioners like myself can continue serving our communities with dignity.”

Respondent #19 – “I requested an establishment license this year and was approved in what I deemed a timely manner. I have not renewed my personal license but this is my renewal year so we’ll see how that goes. If someone could explain to me the reasoning for annual fingerprinting and background checks for massage therapists, I would greatly appreciate it. There’s almost an implied stigma associated with requiring an individual to submit to such an arduous screening process. I don’t have to meet that level of screening for the renewal of my nursing license in Alabama. One would think the basis of such requirements for massage therapists would be based off the therapists’ interaction with the public, previous records or findings, or complaints. Annually is a bit much given that a therapist is not permitted through scope and practice to touch the genitalia of a client. However, surprisingly, upon enrolling my grandson in childcare I found that childcare providers screen their employees upon hiring ONLY and those who pass their initial background checks are not screened again and have access to the child’s genitalia as a requirement of their employment. Fascinating comparison for management of those working with the defenseless and mostly nonverbal populations of our society. Please feel free to contact me personally at [REDACTED] - [REDACTED] to further discuss anything I have mentioned above or to further discuss the threat of overreaching requirements placed on therapists by restrictive wording in our current/future guidelines.”

Respondent #20 – “Sometimes I think I really want to hear a person's voice to avoid confusion.”

Complainant Questionnaire

A letter was sent to thirty-four complainants requesting participation in our survey. Five participated in the survey. The percentages are based on the number who responded to the question.

1. Was the receipt of your complaint acknowledged by the Board?

Yes	5	100%
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2. Approximately how long after filing your complaint did the Board contact you?

Within 15 days	4	80%
Within 60 days	1	20%

3. Did the Board communicate the results of its investigation into your complaint to you?

Yes	4	80%
Unknown	1	20%

4. Do you think the Board did everything it could to resolve your complaint?

Yes	3	60%
No	1	20%
Unknown	1	20%

5. Do you have any additional comments you would like to make?

Respondent #1 – “Never received the final verdict of my case.”

Respondent #2 – “Therapist should have had license pulled for doing meth and touching clients.”

Respondent #3 – “No thank you.”

Respondent #4 – “N/A”

Respondent #5 – “It was handled very efficiently.”

APPENDICES

Appendix I: Applicable Statutes

Section 34-43A-1 Short Title.

This chapter shall be known and may be cited as the Alabama Massage Therapy Licensing Act.
(Act 2024-361, §3)

Section 34-43A-2 Definitions.

For purposes of this chapter, the following terms have the following meanings:

(1) **ADVERTISE.** To distribute a card, flier, sign, or device to any individual or entity, or allow any sign or marking on any building, radio, television, or to publicize by any other means designed to attract public attention.

(2) **BOARD.** The Alabama Massage Therapy Licensing Board created by this chapter.

(3) **EXAMINATION.** The National Certification Board for Therapeutic Massage and Bodywork Examination or the Federation of State Massage Therapy Board's Massage and Bodywork Licensing Examination administered by an independent agency or another nationally or internationally accredited examination administered by an independent agency approved by the board, or state examination administered by the board. The national examination shall be accredited by the National Commission for Certifying Agencies. The board may also administer a written, oral, or practical examination.

(4) **EXECUTIVE DIRECTOR.** The Executive Director of the Alabama Massage Therapy Licensing Board.

(5) **LICENSE.** The credential issued by the board which allows the holder to engage in the safe and ethical practice of massage therapy.

(6) **MASSAGE THERAPIST.** An individual licensed pursuant to this chapter who practices or administers massage therapy or related touch therapy modalities to a client for compensation.

(7) **MASSAGE THERAPY ESTABLISHMENT.** A site, premises, or business where massage therapy is practiced by a massage therapist.

(8) **MASSAGE THERAPY INSTRUCTOR.** A massage therapist who is approved by the board to teach the practice of massage therapy.

(9) **MASSAGE THERAPY or RELATED TOUCH THERAPY MODALITIES.** a. The mobilization of the soft tissue which may include skin, fascia, tendons, ligaments, and muscles for the purpose of establishing and maintaining good physical condition.

b. The term includes effleurage, petrissage, tapotement, compression, vibration, stretching, heliotherapy, superficial hot and cold applications, topical applications, or other therapy that involves movement either by hand, forearm, elbow, or foot for the purpose of therapeutic massage, and any massage, movement therapy, massage technology, myotherapy, massotherapy, oriental massage technique, structural integration, acupuncture, or polarity therapy.

c. The term may include the external application and use of herbal or chemical preparations and lubricants including, but not limited to, salts, powders, liquids, nonprescription creams, cups, mechanical devices such as T-bars, thumpers, body support systems, heat lamps, hot and cold packs, salt glow, steam cabinet baths, or hydrotherapy.

d. The term does not include laser therapy, microwave, injection therapy, manipulation of the joints, or any diagnosis or treatment of an illness that normally involves the practice of medicine, chiropractic, physical therapy, podiatry, nursing, midwifery, occupational therapy, veterinary, acupuncture, osteopathy, orthopedics, hypnosis, or naturopathics.

(10) **MASSAGE THERAPY SCHOOL.** A school approved by the board where massage therapy is taught and which is one of the following:

a. If located in Alabama, approved by the board as meeting the minimum established standards of training and curriculum as determined by the board.

b. If located outside of Alabama, recognized by the board and by a regionally recognized professional accrediting body.

c. A postgraduate training institute accredited by the Commission on Massage Therapy Accreditation.

(11) **SEXUALLY-ORIENTED BUSINESS.** A sex parlor, massage parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult motel, or other commercial enterprise which has the offering for sale, rent, or exhibit, or the exhibit of, items or services intended to provide sexual stimulation or sexual gratification to the client.

(12) **STUDENT.** Any individual who is enrolled in a massage therapy school.

(Act 2024-361, §3.)

Section 34-43A-3 Regulated Activities.

Except as specifically provided by this chapter, no individual may do any of the following unless licensed pursuant to this chapter:

(1) Advertise that he or she performs massage therapy or related touch therapy modalities.

(2) Hold himself or herself out to the public as a massage therapist, using any name or description denoting himself or herself as a massage therapist, or purporting to have the skills necessary to perform massage therapy.

(3) Practice massage therapy.

(Act 2024-361, §3.)

Section 34-43A-4 Exemptions.

(a) The following individuals, offices, and establishments are exempt from this chapter:

(1) A student who is rendering massage therapy services under the supervision of a massage therapy instructor, or any other supervisory arrangement recognized and approved by the board, including, but not limited to, a temporary permit. A student shall be designated by title clearly indicating his or her training status.

(2) A qualified member of another profession who is licensed and regulated under state law while in the course of rendering services within the scope of his or her license, provided that the individual does not represent himself or herself as a massage therapist.

(3) An individual providing massages to his or her immediate family.

(4) An individual offering massage therapy instruction who is visiting from another state, territory, or country, provided that the individual is licensed or registered as required in his or her place of residence. A visiting instructor may teach continuing education courses in this state for up to 100 hours per year without being licensed by the board. A visiting instructor who teaches continuing education courses in this state for 100 hours or more per year is required to be licensed by the board.

(5) Members of the Massage Emergency Rescue Team (MERT), or any other nationally or internationally recognized disaster relief association, who practice massage therapy in this state only during a time declared by the Governor or the Legislature to be a city, county, or state emergency. These therapists may work in this state for a period of time approved by the board.

(6) A Native American healer using traditional healing practices. A Native American healer who applies to the board for a massage therapist license shall comply with all licensing requirements.

(7) An individual acting under the supervision of a physician, a physical therapist, or a chiropractor within the scope of his or her license, provided that the individual does not represent himself or herself as a massage therapist.

(8) The office of a chiropractor, physician, or physical therapist which employs or contracts with a massage therapist who is exempt from an establishment license.

(b) Nothing in this chapter shall be construed to authorize massage therapists to administer, dispense, or prescribe drugs or engage in the practice of medicine in any manner, including, but not limited to, nutrition, diagnosing or prescribing drugs for mental, emotional, or physical disease, illness, or injury. (Act 2024-361, §3.)

Section 34-43A-5 Alabama Massage Therapy Licensing Board.

(a)(1) There is created the Alabama Massage Therapy Licensing Board. The purpose of the board is to protect the health, safety, and welfare of the public by ensuring that massage therapists, massage therapy schools, and massage therapy instructors meet prescribed standards of education, competency, and practice. To accomplish this mission, the board shall establish standards to ensure completion of all board functions in a timely and effective manner and to provide open and immediate access to all relevant public information. The board shall communicate its responsibilities and services to the public as part of its consumer protection duties. The board shall develop and implement a long range plan to ensure effective regulation and consumer protection.

(2) All rights, duties, records, property, real or personal, and all other effects existing in the name of the Alabama Board of Massage Therapy, formerly created and functioning pursuant to Chapter 43, or in any other name by which that board has been known, shall continue in the name of the Alabama Massage Therapy Licensing Board. Any reference to the former Alabama Board of Massage Therapy, or any other name by which that board has been known, in any existing law, contract, or other instrument shall constitute a reference to the Alabama Massage Therapy Licensing Board as created in this chapter. All actions of the former Alabama Board of Massage Therapy or the executive director of the former board taken prior to June 1, 2024, are approved, ratified, and confirmed.

(3) The status of any individual or entity properly licensed, accredited, or registered by the former Alabama Board of Massage Therapy on June 1, 2024, shall continue under the jurisdiction of the Alabama Massage Therapy Licensing Board. Any license, accreditation, or registration subject to renewal on or before October 1, 2024, pursuant to this chapter may be temporarily extended by six months unless and until otherwise provided by rule of the board.

(b)(1) The board shall consist of the following nine members:

a. Three active licensees appointed by the Governor.

b. Two active licensees appointed by the Lieutenant Governor and one at-large member appointed by the Lieutenant Governor.

c. Two active licensees appointed by the Speaker of the House of Representatives and one at-large member appointed by the Speaker of the House of Representatives.

(2) The seven active massage therapist licensee members of the board shall be appointed so that not more than one active licensee member from each United States Congressional District in the state is appointed to serve at the same time. The two members appointed from the state at large shall have never been licensed as massage therapists nor have had any direct financial interest in the massage therapy profession. One of the at-large members shall have extensive knowledge of sex trafficking and related law enforcement efforts to defeat sex trafficking. The at-large member appointed by the Lieutenant Governor and the at-large member appointed by the Speaker of the House of Representatives shall be appointed from a list of three names each provided by the Minority Leader of the Senate and the Minority Leader of the House of Representatives, respectively. The appointing authorities shall coordinate their appointments to assure the board membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state.

(3) The members initially appointed to the board shall be appointed not later than July 1, 2024. Each board member shall be selected upon personal merit and qualifications, not per membership or affiliation with an association. Each board member shall be a citizen of the United States and a resident of this state for two years immediately preceding appointment. No member of the board shall serve more than two full consecutive terms.

(c) Of the initial nine appointees to the board, three members shall be appointed for terms of two years, three members shall be appointed for terms of three years, and three members shall be appointed for terms of four years as determined by lot. Thereafter, successors shall be appointed for terms of four years, each term expiring on June 30.

(d) Vacancies on the board occurring prior to the expiration of a term shall be filled by the original appointing authority within 30 days after the vacancy to serve for the remainder of the unexpired term. Each member of the board shall serve until his or her successor has been duly appointed and qualified.

(e) The board shall hold its first meeting within 30 days after the initial members are appointed. At the first meeting and annually thereafter in the month of October, the board shall elect a chair and a vice chair from its membership. The board shall hold two biannual meetings for the purpose of reviewing license applications. The board may hold additional meetings at the discretion of the chair and four members of the board. A quorum of the board shall be a majority of the current appointed board members. Upon the written request of any individual, submitted to the board at least 24 hours in advance of a scheduled meeting, the meeting shall be recorded electronically, and a copy of the recording shall be made available, upon request, for 30 calendar days following the date of the recording.

(f) Board members shall not receive compensation for their services, but shall receive the same per diem and allowance as provided to state employees for each day the board meets and conducts business.

(g)(1) Commencing on September 30, 2026, the board may employ, and at its pleasure discharge, an executive director in the unclassified service, officers, and employees subject to the state Merit System as necessary to implement this chapter.

(2) When necessary, the board may retain outside counsel who satisfies the qualifications required of a deputy attorney general.

(h) An affirmative vote of a majority of the members of the board shall be required to grant, suspend, or revoke a license to practice massage therapy or a license to operate a massage therapy establishment.

(i) The board shall be financed only from income accruing to the board from fees, licenses, other charges and funds collected by the board, and any monies that are appropriated to the board by the Legislature.

(j) A board member may be removed at the request of the board for misfeasance, malfeasance, neglect of duty, commission of a felony, incompetence, permanent inability to perform official duties, or failing to attend two consecutive properly noticed meetings within a one-year period.

(k) Members of the board are immune from liability for all good faith acts performed in the execution of their duties as members of the board.

(l) Appointees to the board shall take the constitutional oath of office and shall file the oath in the office of the Governor before undertaking any duties as a board member. Upon receiving the oath, the Governor shall issue a certificate of appointment to each appointee.

(Act 2024-361, §5.)

Section 34-43A-6 Powers and Duties of Board.

(a) The board shall do all of the following:

(1) Qualify applicants to take the licensing examination and issue licenses to successful applicants.

(2) Adopt a seal and affix the seal to all licenses issued by the board. All licenses shall be on pre-printed, sequentially numbered certification forms.

(3) Create application forms for examination and licensing and assess and collect fees pursuant to this chapter.

(4) Maintain a complete record of all massage therapists and annually prepare a roster of the names and addresses of those licensees. A copy of the roster shall be provided to any individual upon request and the payment of a fee established by the board in an amount sufficient to cover the costs of publication and distribution.

(5) Provide for the investigation of any individual who is suspected of violating this chapter.

(6) Adopt and revise rules as necessary to implement this chapter pursuant to the Administrative Procedure Act. All administrative rules of the former Alabama Board of Massage Therapy existing on June 1, 2024, which reference Chapter 43, unless in conflict with existing law, shall remain in effect as rules of the Alabama Massage Therapy Licensing Board until amended or repealed by that board.

(7) Provide a copy of this chapter, upon request, to any licensee or applicant for a license.

(8) By rule, require massage therapists, massage therapy establishments, and massage therapy schools to carry professional and general liability insurance with an “A” rated or better insurance carrier in the amount of at least one million dollars (\$1,000,000). Proof of coverage shall be provided to the board upon request.

(9) Perform other functions necessary and proper for the performance of official duties.

(b) The board may do any of the following:

(1) Accept or deny the application of any individual applying for a license as a massage therapist upon an affirmative vote of a majority of the board.

(2) By rule, establish criteria for certifying massage therapy instructors.

(3) Adopt an annual budget and authorize necessary expenditures from fees and other available appropriations. The expenditures of the board may not exceed the revenues of the board in any fiscal year.

(4) Adopt a code of ethics.

(5) Provide for the inspection of the business premises of any licensee during normal business hours, upon complaint.

(6) Establish a list of approved massage therapy schools.

(Act 2024-361, §3.)

Section 34-43A-7 License Required; Sexually-Oriented Businesses; Limitations on Advertising or Offers of Service.

(a) No individual may perform the duties of a massage therapist unless he or she holds a valid license issued by the board.

(b) A massage therapist may not perform massage therapy for a sexually-oriented business, and shall be subject to Article 3 of Chapter 12 of Title 13A.

(c) A massage therapist may not advertise or offer to perform services outside the scope of his or her expertise, experience, and education for any client who is ill or has a physical dysfunction, unless the services are performed in conjunction with a licensed physician, physical therapist, or chiropractor.

(d) A massage therapist or massage therapy establishment may not advertise or offer to perform services on any sexually explicit website or online platform that promotes prostitution, sexually explicit services, or human trafficking.

(Act 2024-361, §3.)

Section 34-43A-8 Application for License; Licensing Requirements.

(a) An individual desiring to be licensed as a massage therapist shall apply to the board on forms provided by the board. Unless licensed pursuant to subsection (b), an applicant for a license shall submit evidence satisfactory to the board that he or she has met all of the following requirements:

(1)a. Completed a minimum of 650 hours of instruction which shall consist of all of the following:

1. One hundred hours of anatomy and physiology, including 35 hours of myology, 15 hours of osteology, 10 hours of circulatory system, and 10 hours of nervous system, with the remaining 30 hours addressing other body systems at the discretion of the massage therapy school.

2. Two hundred fifty hours of basic massage therapy, the contradistinctions of massage therapy, and related touch therapy modalities, including a minimum of 50 hours of supervised massage.

3. Fifty hours of business, hydrotherapy, first aid, cardiopulmonary resuscitation, professional ethics, and state massage therapy laws.

4. Two hundred fifty hours of electives as determined by the massage therapy school.

b. The board, by rule, may increase the minimum number of hours of instruction required for a license, not to exceed the number of hours recommended by the National Certification Board for Therapeutic Massage and Bodywork.

c. In addition to paragraphs a. and b., to perform therapeutic massage on an animal, a massage therapist shall have also graduated from a nationally approved program and completed at least 100 hours of postgraduate training and education in animal anatomy, pathology, and physiology for the specific type of animal upon which he or she will perform therapeutic massage.

(2) Successfully passed a state board exam or a national standardized examination approved by the board. The board may approve other state exams on a case-by-case basis.

(3) Completed a criminal history background check pursuant to Section 34-43A-13(c).

(4) Paid all applicable fees.

(b) Notwithstanding the requirements listed in subdivisions (1) and (2) of subsection (a), the board may license an applicant who is licensed or registered to practice massage therapy in another state if the standards of practice or licensing of that state, at the time the applicant was originally licensed or registered, were equal to or stricter than the requirements imposed by this chapter. All applicants may be subject to an initial in-person board hearing determined by the board.

(c) Upon receipt of an application, the board shall notify the applicant that his or her application is pending and shall also notify the applicant upon the approval or rejection of his or her application. If an application is rejected, the board shall notify the applicant of the reasons for the rejection.

(Act 2024-361, §3.)

Section 34-43A-9 Licensing of Massage Therapy Establishments; Initial Inspection.

- (a) No massage therapy establishment shall operate in this state without a license issued by the board.
 - (b) A sexually-oriented business may not operate as a massage therapy establishment or be licensed by the board pursuant to this chapter.
 - (c) A massage therapy establishment shall contract with or employ only licensed massage therapists to perform massage therapy. Every massage therapist shall be registered with the board and one of them shall be designated as the individual who will ensure that the massage therapy establishment complies with state law and all applicable administrative rules.
 - (d) A massage therapy establishment license is not assignable or transferable.
 - (e) If the holder of a massage therapy establishment license moves the location of the massage therapy establishment without changing either the name or ownership of that massage therapy establishment, the board shall waive the new establishment license fee, if documentation set by rule of the board is approved. This subsection shall not change the expiration date of a massage therapy establishment license.
 - (f)(1) Except as provided in subdivision (2), each applicant for a massage therapy establishment license shall complete a criminal history background check pursuant to rules adopted by the board.
 - (2) An applicant for a massage therapy establishment license who is a massage therapist and has completed a criminal history background check as required by the board within the preceding two years shall be exempt from completing the criminal history background check required in subdivision (1).
 - (g) The physical location of a proposed massage therapy establishment shall be subject to an initial inspection by the board before a massage therapy establishment license is granted to the applicant.
 - (h) If the physical location of a massage therapy establishment has been shut down by the board or by local, state, or federal law enforcement, the physical location is permanently prohibited from being licensed or operating as a massage therapy establishment.
- (Act 2024-361, §3.)*

Section 34-43A-10 Application Forms; Issuance of License; Display of License.

- (a) Applications for licensing and renewal of a license shall be on forms provided by the board and shall be accompanied by the applicable fee. A recent two-by-two inch photograph showing a frontal view of the head and shoulders of the applicant for a massage therapy or therapy instructor license and applicant for a massage therapy establishment license, taken no more than six months earlier, shall be submitted with each application. All documents shall be submitted in English.
 - (b) The board may deny the application of any applicant who refuses to complete a criminal history background check as required by the board and provided in Section 34-43A-13(c).
 - (c) The board shall issue a license, on a pre-printed sequentially numbered form, to each individual who qualifies to be a massage therapist and to each qualified applicant for a massage therapy establishment license. A license issued by the board grants all professional rights, honors, and privileges relating to the practice of massage therapy.
 - (d) Each massage therapist shall display his or her license in the manner specified by the board. Each massage therapy establishment shall prominently post its license and the license of each massage therapist who practices within the massage therapy establishment in plain sight at the massage therapy establishment.
 - (e) A license is the property of the board and shall be surrendered upon demand of the board.
- (Act 2024-361, §3.)*

Section 34-43A-11 License Renewal; Reinstatement.

(a) With the exception of massage therapy schools, which register annually, each license shall be renewed biennially, on or before the anniversary date, by forwarding to the board a renewal application accompanied by the renewal fee. Except as provided in Section 34-43A-5(a)(3), any license not renewed biennially on or before the anniversary date shall expire.

(b) Each licensee, upon application for renewal of a license, shall do both of the following:

(1) Submit evidence of satisfactory completion of the continuing education requirements pursuant to Section 34-43A-19.

(2) Complete a new criminal history background check pursuant to rules adopted by the board. The board may deny the application for renewal of any licensee who refuses to complete a criminal history background check as required by the board.

(c) Licenses are valid for two years from the date of issuance. An individual whose license has expired and who has ceased to practice massage therapy for a period of not longer than five years may have his or her license reinstated upon payment of a reactivation fee, the submission of a renewal application, and evidence satisfactory to the board that the applicant has fulfilled continuing education requirements, completed a criminal history background check as provided in Section 34-43A-13(c), paid the criminal history background check fee, and passed the examination.

(Act 2024-361, §3.)

Section 34-43A-12 Alabama Massage Therapy Licensing Board Fund.

(a) The board, by rule, shall assess and collect all of the following fees not to exceed:

(1) One hundred dollars (\$100) for an initial massage therapist license.

(2) One hundred dollars (\$100) for a biennial license renewal postmarked or received at the office of the board on or before the expiration date of the license.

(3) One hundred dollars (\$100) for an initial, and fifty dollars (\$50) for any renewal of, a massage therapy establishment license.

(4) One hundred fifty dollars (\$150) for an initial registration, and any renewal registration, as a massage therapy school in this state.

(5) One hundred dollars (\$100) to register and renew registration as a massage therapy instructor in this state.

(6) Seventy-five dollars (\$75) to reactivate an expired license.

(7) Twenty-five dollars (\$25) shall be added to any license fees not postmarked or received at the office of the board on or before the expiration date of the license.

(8) Ten dollars (\$10) for a duplicate license certificate or a name change on a license certificate. The board may issue a duplicate certificate for each massage therapy establishment on file with the board where the massage therapist practices massage therapy. The board may issue additional duplicate certificates only after receiving a sworn letter from the massage therapist that an original certificate was lost, stolen, or destroyed. The board shall maintain a record of each duplicate certificate issued.

(b) Necessary administrative fees may be charged by the board including, but not limited to, reasonable costs for copying, labels, and lists, and the actual costs for completing a criminal history background check. Examination and license fees may be adjusted by rule of the board.

(c) Commencing on June 1, 2024, the name of the separate special revenue trust fund in the State Treasury known as the Alabama Board of Massage Therapy Fund shall be renamed and then known as the Alabama Massage Therapy Licensing Board Fund. All receipts collected by the board under this chapter shall be deposited in this fund and used only to carry out this chapter. Receipts shall be disbursed only by warrant of the Comptroller, upon itemized vouchers approved by the chair of the board. No funds shall be withdrawn except as budgeted and allotted according to Sections 41-4-80 through 41-4-96 and 41-19-1 through 41-19-12, and only in amounts as stipulated in the general appropriations bill or other appropriations bills.

(Act 2024-361, §3.)

Section 34-43A-13 Complaints; Grounds for Suspension, Revocation, Etc., of License; Penalties; Rulemaking Authority.

(a) Any individual may file with the board a written complaint regarding an allegation of impropriety by a massage therapist, massage therapy establishment, or other individual. Complaints shall be made in the manner prescribed by the board. Complaints received by the board shall be referred to a standing investigative committee consisting of a board member, the board attorney, and the board investigator. If no probable cause is found, the investigative committee may dismiss the charges and prepare a written statement of the reasons for that decision.

(b) If probable cause is found, the board shall initiate an administrative proceeding. Upon a finding that the licensee has committed any of the following misconduct, the board may suspend, revoke, or refuse to issue or renew a license or impose a civil penalty after notice and opportunity for a hearing pursuant to the Administrative Procedure Act:

(1) The license was obtained by means of fraud, misrepresentation, fraudulent transcripts, invalidated exam scores, or concealment of material facts, including making a false statement on an application or any other document required by the board for licensing.

(2) The licensee sold or bartered, or offered to sell or barter, a license for a massage therapist or a massage therapy establishment.

(3) The licensee has engaged in unprofessional conduct that has endangered or is likely to endanger the health, safety, and welfare of the public, as defined by the rules of the board.

(4) The licensee has been convicted of a felony or of any crime arising out of or connected with the practice of massage therapy.

(5) The licensee has violated or aided and abetted in the violation of this chapter.

(6) The licensee is adjudicated as mentally incompetent by a court of law.

(7) The licensee uses controlled substances or habitually and excessively uses alcohol.

(8) The licensee engaged in false, deceptive, or misleading advertising.

(9) The licensee engaged in or attempted to or offered to engage a client in sexual activity, including, but not limited to, genital contact, within the client-massage therapist relationship.

(10) The licensee has knowingly allowed the massage therapy establishment to be used as an overnight sleeping accommodation.

(11) The licensee had a license revoked, suspended, or denied in any other territory or jurisdiction of the United States for any act described in this section.

(12) The applicant or licensee was convicted of impersonating a massage therapist in another jurisdiction.

(c)(1) Subsequent to an official complaint, and for other requirements established by this chapter, including for the purpose of determining an applicant's suitability for a license or the renewal of a license to practice massage therapy, the board may request a criminal history background check of the licensee. Each applicant shall submit a complete set of fingerprints and a form, sworn to by the applicant, providing written consent from the applicant for the release of criminal history background check information to the board.

(2) The board shall submit the fingerprints and form provided by each applicant to the Alabama State Law Enforcement Agency (ALEA). The applicant may be fingerprinted by ALEA at the time of the form submission. ALEA shall conduct a check of state records and forward the fingerprints to the FBI for a national criminal history background check.

(3) The results of the state and national criminal history background check records shall be returned to the board by ALEA.

(4) The board shall reimburse ALEA for conducting criminal history background checks according to the fee schedule adopted by the Alabama Justice Information Commission.

(5) Any criminal history background check reports received by the board from ALEA shall be marked confidential and shall not be disclosed or made available for public inspection. All criminal history background check reports received pursuant to this section are specifically excluded from any requirement of public disclosure as a public record. Reports received may only be used for the purposes described in this chapter. All information provided is subject to the rules established by the Alabama Justice Information Commission and Public Law 92-544. An individual that uses a criminal history background check report for purposes other than those provided in this chapter may be subject to criminal charges under Sections 41-9-601 and 41-9-602.

(d) An individual governed by this chapter who has a reasonable belief that another massage therapist has violated this chapter shall inform the board in writing within 30 calendar days after the date the individual discovers this activity. Upon finding that an individual has violated this subsection by not informing the board as required, the board may do any of the following:

a. Impose an administrative fine of not more than ten thousand dollars (\$10,000) according to a disciplinary infraction fine schedule adopted by rule of the board.

b. Suspend or revoke the individual's license to practice massage therapy.

(e) The license of any individual who has been convicted of, or has entered a plea of nolo contendere to, a crime or offense involving prostitution or any other type of sexual offense shall be permanently revoked by the board according to the Administrative Procedure Act.

(f) The massage therapy establishment license of any massage therapy establishment wherein an individual has been convicted of, or entered a plea of nolo contendere to, an offense involving prostitution or any other type of sexual offense against a client, or which the board determines is a sexually-oriented business, shall be permanently revoked by the board according to the Administrative Procedure Act.

(g)(1) Upon a finding that an individual who is governed by this chapter has performed massage therapy without having obtained a license, the board may do any of the following:

a. Impose an administrative fine of not more than ten thousand dollars (\$10,000).

b. Issue a cease and desist order.

c. Petition the circuit court of the county where the act occurred to enforce the cease and desist order and collect the assessed fine.

(2) Any individual aggrieved by any adverse action of the board may appeal the action to the Circuit Court of Montgomery County.

(h) The board shall present any incident deemed serious misconduct by the board to the local district attorney for review and appropriate legal action.

(i) The board may adopt rules to implement and administer this section.

(Act 2024-361, §3.)

Section 34-43A-14 Use of Words Massage or Bodywork or Other Advertising Descriptions by Unlicensed Individuals.

(a) An individual who does not hold a license as a massage therapist, physical therapist, chiropractor, or athletic trainer, or a license for a massage therapy establishment, shall not use the words “massage” or “bodywork” on any sign or other form of advertising describing services performed by the individual or within the establishment.

(b) Any advertisement by a massage therapist or massage therapy establishment shall contain the license number of the massage therapist or massage therapy establishment.

(Act 2024-361, §3.)

Section 34-43A-15 Criminal Penalties.

Any individual who violates this chapter shall be guilty of a Class C misdemeanor.

(Act 2024-361, §3.)

Section 34-43A-16 Injunction; Civil Penalty.

(a) In addition to the criminal penalty prescribed by this chapter, the board may seek an injunction against any individual or establishment in violation of this chapter.

(b) In an action for an injunction, the board may demand and recover a civil penalty of fifty dollars (\$50) per day for each violation, reasonable attorney fees, and court costs.

(Act 2024-361, §3.)

Section 34-43A-17 Construction with Other Regulations.

(a) Except as otherwise provided in subsection (b), this chapter shall supersede any regulation adopted by a political subdivision of the state related to the licensing or regulation of massage therapists and massage therapy establishments.

(b) This section shall not affect:

(1) Local regulations relating to zoning requirements or occupational license taxes pertaining to massage therapists and massage therapy establishments.

(2) Local regulations that do not relate to the practice of massage therapy by qualified individuals.

(c) A county, or a municipality within its jurisdiction, may regulate individuals licensed pursuant to this chapter. Regulation shall be consistent with this chapter and shall not supersede this chapter. This section shall not be construed to prohibit a county or municipality from regulating individuals not licensed pursuant to this chapter.

(Act 2024-361, §3.)

Section 34-43A-18 Massage Therapy Schools; Instructors.

(a) To be approved by the board, a massage therapy school shall meet all of the following requirements:

(1) Submit to the board a completed application prescribed by the board and the registration fee specified in Section 34-43A-12.

(2) Provide documentation of a curriculum that shall include a minimum number of required hours of instruction in the subjects required by Section 34-43A-8.

(3) Register annually with the board by submitting a renewal form, the renewal fee specified in Section 34-43A-12, and a current curriculum and list of active massage therapy instructors teaching at the school.

(4) Commencing on October 1, 2025, submit proof to the board of registration as an assigned school through the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

(b) Except as provided in Section 34-43A-4(a)(4), every massage therapy instructor teaching a course in massage therapy at a massage therapy school located in this state shall be licensed by the board as a massage therapist and registered as a massage therapy instructor. Instructors who are not teaching massage therapy do not need to be registered. An adjunct massage therapy instructor shall be dually licensed in the state where he or she resides or be nationally certified, or both.

(c) An applicant for registration as a massage therapy instructor shall satisfy all of the following requirements:

(1) Be currently licensed as a massage therapist in this state.

(2) Submit to the board a completed application as prescribed by the board and the one-time application fee specified in Section 34-43A-12.

(3) Submit documentation of three years of experience in the practice of massage therapy. The documentation may be considered by the board on a case-by-case basis.

(Act 2024-361, §3.)

Section 34-43A-19 Sunset Provision; Continuing Education.

(a) The board is subject to the Alabama Sunset Law of 1981, and is classified as an enumerated agency pursuant to Section 41-20-3. The board shall automatically terminate on October 1, 2026, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law.

(b) The board shall adopt a program of continuing education for licensees which shall be a requisite for the renewal of licenses issued pursuant to this chapter and not exceed the requirements of a board-approved nationally recognized board certification organization such as the National Certification Board for Therapeutic Massage and Bodywork.

(Act 2024-361, §3.)



Appendix II: Legislation Not Yet Codified

ACT #2025 - 395

- 1 SB253
- 2 5VCELM6-2
- 3 By Senators Gudger, Elliott
- 4 RFD: County and Municipal Government
- 5 First Read: 18-Mar-25





1 Enrolled, An Act,

2

3

4 Relating to the Alabama Massage Therapy Licensing Board
5 under the temporary jurisdiction of the Board of Nursing; to
6 amend Section 2 of Act 2024-361, 2024 Regular Session; to
7 authorize the Executive Director of the Board of Nursing to
8 designate an individual to preform certain powers, duties, and
9 functions of the Alabama Massage Therapy Licensing Board on
10 behalf of the executive director; to amend Act 2024-361, 2024
11 Regular Session, now appearing as Sections 34-43A-2, 34-43A-3,
12 34-43A-4, 34-43A-5, 34-43A-6, 34-43A-7, 34-43A-8, 34-43A-9,
13 34-43A-10, 34-43A-12, 34-43A-13, 34-43A-14, 34-43A-16, and
14 34-43A-18, Code of Alabama 1975, to define what constitutes an
15 emergency order and provide further for definitions; to
16 clarify that an individual practicing massage therapy pursuant
17 to a temporary permit issued by the board is exempt from
18 regulation; to change the annual meeting month of the board
19 from October to November; to require a majority vote of the
20 board to discipline a licensee; to delete temporary or
21 transitional provisions; to provide further for the duties of
22 the board; to provide further for the qualifications for
23 licensing and the contents of an application; to provide
24 further for outcall massage therapy services and the
25 inspections of massage therapy establishments; to authorize
26 the board, by rule, to establish and collect reasonable fees;
27 to provide further for investigations, discipline, and
28 fingerprinting of licensees and applicants for licensing; to



29 provide for the issuance of an emergency order suspending the
30 operation of a massage therapy establishment and the
31 enforcement, hearing process, legal fees, and fines associated
32 with an emergency order; and to provide further for massage
33 therapy schools.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

35 Section 1. Section 2 of Act 2024-361, 2024 Regular
36 Session, is amended to read as follows:

37 "Section 2. (a) The existence and functioning of the
38 Alabama Board of Massage Therapy, created and functioning
39 pursuant to Chapter 43 of Title 34, Code of Alabama 1975, is
40 terminated, and those code sections are expressly repealed.

41 (b) (1) Commencing on June 1, 2024, the Alabama Board of
42 Massage Therapy shall be reconstituted as the Alabama Massage
43 Therapy Licensing Board and all powers, duties, and functions
44 of the new board shall be temporarily assumed and performed by
45 the Board of Nursing pending the reconstitution of the Alabama
46 Massage Therapy Licensing Board as provided in Chapter 43A of
47 Title 34, Code of Alabama 1975. Additionally, commencing on
48 June 1, 2024, the Executive Officer of the Board of Nursing,
49 or his or her designee, shall temporarily assume and perform
50 all duties, responsibilities, and functions of the position of
51 an executive director for the Alabama Massage Therapy
52 Licensing Board, as defined in Section 34-43A-2, Code of
53 Alabama 1975, pending the appointment of an executive director
54 by the new Alabama Massage Therapy Licensing Board.

55 (2) During the temporary transfer commencing on June 1,
56 2024, all personnel of the Board of Nursing may act as agents



57 of and may perform those duties, responsibilities, and
58 functions determined necessary by the Executive Officer of the
59 Board of Nursing, or his or her designee, to support the
60 Alabama Massage Therapy Licensing Board, created in Chapter
61 43A of Title 34, Code of Alabama 1975, until those duties,
62 responsibilities, and functions temporarily assumed by the
63 Executive Officer of the Board of Nursing, or his or her
64 designee, pursuant to subdivision (1) are transferred to the
65 executive director of the newly reconstituted Alabama Massage
66 Therapy Licensing Board pursuant to subdivision (3). During
67 the temporary transfer the Board of Nursing, on behalf of the
68 Alabama Massage Therapy Licensing Board, may employ and train
69 individuals subject to the state Merit System for the Alabama
70 Massage Therapy Licensing Board.

71 (3) All powers, duties, and functions temporarily
72 assumed and performed by the Board of Nursing and the
73 Executive Officer of the Board of Nursing, or his or her
74 designee, pursuant to subdivision (1), shall be transferred to
75 the Alabama Massage Therapy Licensing Board, as created by
76 Chapter 43A of Title 34, Code of Alabama 1975, on or before
77 October 1, 2026.

78 Section 2. Act 2024-361, 2024 Regular Session, now
79 appearing in part as Sections 34-43A-2, 34-43A-3, 34-43A-4,
80 34-43A-5, 34-43A-6, 34-43A-7, 34-43A-8, 34-43A-9, 34-43A-10,
81 34-43A-12, 34-43A-13, 34-43A-14, 34-43A-16, and 34-43A-18 of
82 the Code of Alabama 1975, is amended to read as follows:

83 "§34-43A-2

84 For purposes of this chapter, the following terms have



85 the following meanings:

86 (1) ADVERTISE. To distribute a card, flier, sign, or
87 device to any individual or entity, or allow any sign or
88 marking on any building, radio, television, or to publicize by
89 any other means designed to attract public attention.

90 (2) BOARD. The Alabama Massage Therapy Licensing Board
91 created by this chapter.

92 (3) EMERGENCY ORDER. The immediate suspension of a
93 license without a hearing when the board determines that
94 public safety is at immediate risk. An emergency order
95 requires a licensee to cease practice pending a formal
96 hearing. The term may also be referred to as the summary
97 suspension of a license.

98 ~~(3)~~ (4) EXAMINATION. The National Certification Board
99 for Therapeutic Massage and Bodywork Examination or the
100 Federation of State Massage Therapy Board's Massage and
101 Bodywork Licensing Examination administered by an independent
102 agency or another nationally or internationally accredited
103 examination administered by an independent agency approved by
104 the board, or state examination administered by the board or,
105 at the discretion of the board, a state examination
106 administered by the appropriate regulating body for massage
107 therapy located in another state. The national examination
108 shall be accredited by the National Commission for Certifying
109 Agencies. The board may also administer a written, oral, or
110 practical examination.

111 ~~(4)~~ (5) EXECUTIVE DIRECTOR. The Executive Director of
112 the Alabama Massage Therapy Licensing Board.



113 ~~(5)~~ (6) LICENSE. The credential issued by the board
114 which allows the holder to engage in the safe and ethical
115 practice of massage therapy.

116 ~~(6)~~ (7) MASSAGE THERAPIST. An individual licensed
117 pursuant to this chapter who practices or administers massage
118 therapy or related touch therapy modalities to a client for
119 compensation.

120 ~~(7)~~ (8) MASSAGE THERAPY ESTABLISHMENT. A site, premises,
121 or business licensed by the board where massage therapy is
122 practiced by a massage therapist.

123 ~~(8)~~ (9) MASSAGE THERAPY INSTRUCTOR. A massage therapist
124 who is approved by the board to teach the practice of massage
125 therapy.

126 ~~(9)~~ (10) MASSAGE THERAPY or RELATED TOUCH THERAPY
127 MODALITIES. a. The mobilization of the soft tissue which may
128 include skin, fascia, tendons, ligaments, and muscles for the
129 purpose of establishing and maintaining good physical
130 condition.

131 b. The term includes effleurage, petrissage,
132 tapotement, compression, vibration, stretching, heliotherapy,
133 superficial hot and cold applications, topical applications,
134 or other therapy that involves movement either by hand,
135 forearm, elbow, or foot, or use of manual methods or
136 mechanical or electrical devices or tools that mimic or
137 enhance the action of human hands for the purpose of
138 therapeutic massage, and any massage, movement therapy,
139 massage technology, myotherapy, massotherapy, oriental massage
140 technique, structural integration, acupressure, or polarity



141 therapy.

142 c. The term may include the external application and
143 use of herbal or chemical preparations and lubricants
144 including, but not limited to, salts, powders, liquids,
145 nonprescription creams, ~~cups~~, mechanical devices such as cups,
146 T-bars, thumpers, body support systems, heat lamps, hot and
147 cold packs, salt glow, steam cabinet baths, or hydrotherapy.

148 d. The term does not include laser therapy, microwave,
149 injection therapy, manipulation of the joints, or any
150 diagnosis or treatment of an illness that normally involves
151 the practice of medicine, chiropractic, physical therapy,
152 podiatry, nursing, midwifery, occupational therapy,
153 veterinary, acupuncture, osteopathy, orthopedics, hypnosis, or
154 naturopathics.

155 ~~(10)~~ (11) MASSAGE THERAPY SCHOOL. A school approved by
156 the board where massage therapy is taught and which is one of
157 the following:

158 a. If located in Alabama, approved by the board as
159 meeting the minimum established standards of training and
160 curriculum as determined by the board.

161 b. If located outside of Alabama, recognized by the
162 board and by a regionally recognized professional accrediting
163 body.

164 c. A postgraduate training institute accredited by the
165 Commission on Massage Therapy Accreditation.

166 ~~(11)~~ (12) SEXUALLY-ORIENTED BUSINESS. A sex parlor,
167 massage parlor, nude studio, modeling studio, love parlor,
168 adult bookstore, adult movie theater, adult video arcade,



169 adult motel, or other commercial enterprise which has the
170 offering for sale, rent, or exhibit, or the exhibit of, items
171 or services intended to provide sexual stimulation or sexual
172 gratification to the client.

173 ~~(12)~~ (13) STUDENT. Any individual who is enrolled in a
174 massage therapy school."

175 "§34-43A-3

176 Except as specifically provided by this chapter, no
177 individual may do any of the following unless licensed
178 pursuant to this chapter:

179 (1) Advertise that he or she performs massage therapy
180 or related touch therapy modalities.

181 (2) Hold himself or herself out to the public as a
182 massage therapist, using any name or description denoting
183 himself or herself as a massage therapist, or purporting to
184 have the skills necessary to perform massage therapy.

185 (3) Practice massage therapy on the general public for
186 compensation."

187 "§34-43A-4

188 (a) The following individuals, offices, and
189 establishments are exempt from this chapter:

190 (1) A student who is rendering massage therapy services
191 under the supervision of a massage therapy instructor, ~~or any~~
192 ~~other supervisory arrangement recognized and approved by the~~
193 ~~board, including, but not limited to, a temporary permit.~~ A
194 student shall be designated by title clearly indicating his or
195 her training status.

196 (2) An individual practicing massage therapy pursuant



197 to a temporary permit issued by the board.

198 ~~(2)~~ (3) A qualified member of another profession who is
199 licensed and regulated under state law ~~while in the course of~~
200 rendering services which are within the scope of his or her
201 license, provided that the individual does not represent
202 himself or herself as a massage therapist.

203 ~~(3)~~ (4) An individual providing massages to his or her
204 immediate family.

205 ~~(4)~~ (5) An individual offering massage therapy
206 instruction who is visiting from another state, territory, or
207 country, provided that the individual is licensed or
208 registered as required in his or her place of residence. A
209 visiting instructor may teach continuing education courses in
210 this state for up to 100 hours per year without being licensed
211 by the board. A visiting instructor who teaches continuing
212 education courses in this state for 100 hours or more per year
213 is required to be licensed by the board.

214 ~~(5)~~ (6) Members of the Massage Emergency Rescue Team
215 (MERT), or any other nationally or internationally recognized
216 disaster relief association, who practice massage therapy in
217 this state only during a time declared by the Governor or the
218 Legislature to be a city, county, or state emergency. These
219 therapists may work in this state for a period of time
220 approved by the board.

221 ~~(6)~~ (7) A Native American healer using traditional
222 healing practices. A Native American healer who applies to the
223 board for a massage therapist license shall comply with all
224 licensing requirements.



225 ~~(7)~~ (8) An individual acting under the supervision of
226 and pursuant to delegation from a physician, a physical
227 therapist, or a chiropractor for whom the delegated acts are
228 within the scope of ~~his or her~~ the license of the physician,
229 physical therapist, or chiropractor, provided that the
230 individual does not represent himself or herself as a massage
231 therapist.

232 ~~(8)~~ (9) The office of a chiropractor, physician, or
233 physical therapist which employs or contracts with a massage
234 therapist ~~who~~ to provide massage therapy at the physical
235 location of the office is exempt from an establishment
236 license.

237 (b) Nothing in this chapter shall be construed to
238 authorize massage therapists to administer, dispense, or
239 prescribe drugs or engage in the practice of medicine in any
240 manner, including, but not limited to, nutrition, diagnosing
241 or prescribing drugs for mental, emotional, or physical
242 disease, illness, or injury."

243 "§34-43A-5

244 (a) (1) There is created the Alabama Massage Therapy
245 Licensing Board. The purpose of the board is to protect the
246 health, safety, and welfare of the public by ensuring that
247 massage therapists, massage therapy schools, massage therapy
248 establishments, and massage therapy instructors meet
249 prescribed standards of education, competency, and practice.
250 To accomplish this mission, the board shall establish
251 standards to ensure completion of all board functions in a
252 timely and effective manner and to provide open and immediate



253 access to all relevant public information. The board shall
254 communicate its responsibilities and services to the public as
255 part of its consumer protection duties. The board shall
256 develop and implement a long range plan to ensure effective
257 regulation and consumer protection.

258 (2) All rights, duties, records, property, real or
259 personal, and all other effects existing in the name of the
260 Alabama Board of Massage Therapy, formerly created and
261 functioning pursuant to Chapter 43, or in any other name by
262 which that board has been known, shall continue in the name of
263 the Alabama Massage Therapy Licensing Board. Any reference to
264 the former Alabama Board of Massage Therapy, or any other name
265 by which that board has been known, in any existing law,
266 contract, or other instrument shall constitute a reference to
267 the Alabama Massage Therapy Licensing Board as created in this
268 chapter. All actions of the former Alabama Board of Massage
269 Therapy or the executive director of the former board taken
270 prior to June 1, 2024, are approved, ratified, and confirmed.

271 (3) The status of any individual or entity properly
272 licensed, accredited, or registered by the former Alabama
273 Board of Massage Therapy on June 1, 2024, shall continue under
274 the jurisdiction of the Alabama Massage Therapy Licensing
275 Board. ~~Any license, accreditation, or registration subject to~~
276 ~~renewal on or before October 1, 2024, pursuant to this chapter~~
277 ~~may be temporarily extended by six months unless and until~~
278 ~~otherwise provided by rule of the board.~~

279 (b) (1) The board shall consist of the following nine
280 members:



281 a. Three active licensees appointed by the Governor.

282 b. Two active licensees appointed by the Lieutenant
283 Governor and one at-large member appointed by the Lieutenant
284 Governor.

285 c. Two active licensees appointed by the Speaker of the
286 House of Representatives and one at-large member appointed by
287 the Speaker of the House of Representatives.

288 (2) The seven active massage therapist licensee members
289 of the board shall be appointed so that not more than one
290 active licensee member from each United States Congressional
291 District in the state is appointed to serve at the same time.
292 The two members appointed from the state at large shall have
293 never been licensed as massage therapists nor have had any
294 direct financial interest in the massage therapy profession.
295 One of the at-large members shall have extensive knowledge of
296 sex trafficking and related law enforcement efforts to defeat
297 sex trafficking. The at-large member appointed by the
298 Lieutenant Governor and the at-large member appointed by the
299 Speaker of the House of Representatives shall be appointed
300 from a list of three names each provided by the Minority
301 Leader of the Senate and the Minority Leader of the House of
302 Representatives, respectively. The appointing authorities
303 shall coordinate their appointments to assure the board
304 membership is inclusive and reflects the racial, gender,
305 geographic, urban, rural, and economic diversity of the state.

306 ~~(3) The members initially appointed to the board shall~~
307 ~~be appointed not later than July 1, 2024.~~ Each board member
308 shall be selected upon personal merit and qualifications, not



309 per membership or affiliation with an association. Each board
310 member shall be a citizen of the United States and a resident
311 of this state for two years immediately preceding appointment.
312 No member of the board shall serve more than two full
313 consecutive terms.

314 (c) Of the initial nine appointees to the board, three
315 members shall be appointed for terms of two years, three
316 members shall be appointed for terms of three years, and three
317 members shall be appointed for terms of four years as
318 determined by lot. Thereafter, successors shall be appointed
319 for terms of four years, each term expiring on June 30.

320 (d) Vacancies on the board occurring prior to the
321 expiration of a term shall be filled by the original
322 appointing authority within 30 days after the vacancy to serve
323 for the remainder of the unexpired term. Each member of the
324 board shall serve until his or her successor has been duly
325 appointed and qualified.

326 (e) The board shall hold its first meeting within 30
327 days after the initial members are appointed. At the first
328 meeting and annually thereafter in the month of ~~October~~
329 November, the board shall elect a chair and a vice chair from
330 its membership. The board shall hold no less than two ~~biannual~~
331 ~~meetings for the purpose of reviewing license applications~~ per
332 year. The board may hold additional meetings at the discretion
333 of the chair and four members of the board. A quorum of the
334 board shall be a majority of the current appointed board
335 members. Upon the written request of any individual, submitted
336 to the board at least 24 hours in advance of a scheduled



337 meeting, the meeting shall be recorded electronically, and a
338 copy of the recording shall be made available, upon request,
339 for 30 calendar days following the date of the recording.

340 (f) Board members shall not receive compensation for
341 their services, but shall receive the same per diem and
342 allowance as provided to state employees for each day the
343 board meets and conducts business.

344 (g) (1) Commencing on September 30, 2026, the board may
345 employ, and at its pleasure discharge, an executive director
346 in the unclassified service, officers, and employees subject
347 to the state Merit System as necessary to implement this
348 chapter.

349 (2) When necessary, the board may retain outside
350 counsel who satisfies the qualifications required of a deputy
351 attorney general.

352 (h) An affirmative vote of a majority of the members of
353 the board shall be required to ~~grant~~ deny, suspend, ~~or~~ revoke,
354 probate, reprimand, or otherwise discipline a licensee holding
355 a license to practice massage therapy or a license to operate
356 a massage therapy establishment.

357 (i) The board shall be financed only from income
358 accruing to the board from fees, licenses, other charges and
359 funds collected by the board, and any monies that are
360 appropriated to the board by the Legislature.

361 (j) A board member may be removed at the request of the
362 board for misfeasance, malfeasance, neglect of duty,
363 commission of a felony, incompetence, permanent inability to
364 perform official duties, or failing to attend two consecutive



365 properly noticed meetings within a one-year period.

366 (k) Members of the board are immune from liability for
367 all good faith acts performed in the execution of their duties
368 as members of the board.

369 (1) Appointees to the board shall take the
370 constitutional oath of office and shall file the oath in the
371 office of the Governor before undertaking any duties as a
372 board member. ~~Upon receiving the oath, the Governor shall~~
373 ~~issue a certificate of appointment to each appointee."~~

374 "§34-43A-6

375 (a) The board shall do all of the following:

376 (1) ~~Qualify applicants to take the licensing~~
377 examination Establish qualifications for licensing and issue
378 licenses to successful applicants.

379 (2) Adopt a seal and affix the seal to all licenses
380 issued by the board. ~~All licenses shall be on pre-printed,~~
381 ~~sequentially numbered certification forms.~~

382 (3) Create application forms for examination and
383 licensing and assess and collect fees pursuant to this
384 chapter.

385 (4) Maintain a complete record of all massage
386 therapists and annually prepare a roster of the names and
387 addresses license numbers of those licensees. A copy of the
388 roster shall be provided to any individual upon request and
389 the payment of a fee established by the board in an amount
390 sufficient to cover the costs of publication and distribution.

391 (5) Provide for the investigation of any individual or
392 entity who is suspected of violating this chapter.



393 (6) Adopt and revise rules as necessary to implement
394 this chapter pursuant to the Administrative Procedure Act. ~~All~~
395 ~~administrative rules of the former Alabama Board of Massage~~
396 ~~Therapy existing on June 1, 2024, which reference Chapter 43,~~
397 ~~unless in conflict with existing law, shall remain in effect~~
398 ~~as rules of the Alabama Massage Therapy Licensing Board until~~
399 ~~amended or repealed by that board.~~

400 (7) Provide a copy of this chapter, upon request, to
401 any licensee or applicant for a license.

402 (8) By rule, require massage therapists; massage
403 therapy establishments, and massage therapy schools to carry
404 professional and general liability insurance with an "A" rated
405 or better insurance carrier in the amount of at least one
406 million dollars (\$1,000,000). Proof of coverage shall be
407 provided to the board upon request.

408 (9) Perform other functions necessary and proper for
409 the performance of official duties.

410 (b) The board may do any of the following:

411 ~~(1) Accept or deny the application of any individual~~
412 Adopt and from time to time revise rules, not inconsistent
413 with law, as may be necessary to implement this chapter.

414 (2) Examine, license, and renew the licenses of
415 qualified applicants applying for a license as a massage
416 therapist upon an affirmative vote of a majority of the board,
417 massage therapy establishment, or massage therapy instructor.

418 (3) Conduct investigations, hearings, and proceedings
419 concerning alleged violations of this chapter or rules adopted
420 pursuant to this chapter.



421 (4) Issue subpoenas, compel the attendance of
422 witnesses, and administer oaths to individuals giving
423 testimony at hearings.

424 (5) Pursue the prosecution of any individual who
425 violates this chapter and incur necessary related expenses.

426 (6) Keep a public record of all proceedings.

427 (7) Prescribe standards and approve curricula for
428 educational programs that prepare individuals for licensing
429 under this chapter.

430 (8) Provide for surveys and evaluations of educational
431 programs as the board determines necessary.

432 ~~(2)~~ (9) By rule, establish criteria for certifying
433 massage therapy instructors.

434 ~~(3)~~ (10) Adopt an annual budget and authorize necessary
435 expenditures from fees and other available appropriations. ~~The~~
436 ~~expenditures of the board may not exceed the revenues of the~~
437 ~~board in any fiscal year.~~

438 ~~(4)~~ (11) Adopt a code of ethics for massage therapists,
439 massage therapy instructors, and massage therapy
440 establishments.

441 ~~(5)~~ (12) Provide for the inspection of the business
442 premises of any licensee, applicant, or individual or entity
443 advertising, offering to perform, or performing massage
444 therapy in the state during normal business hours, ~~upon~~
445 complaint.

446 ~~(6)~~ (13) Establish standards for approved massage
447 therapy schools and a list of approved massage therapy
448 schools."



449 "§34-43A-7

450 (a) No individual may perform the duties of a massage
451 therapist in this state unless he or she holds a valid license
452 issued by the board.

453 (b) A massage therapist may not perform massage therapy
454 for a sexually-oriented business, and shall be subject to
455 Article 3 of Chapter 12 of Title 13A.

456 (c) A massage therapist may not advertise or offer to
457 perform services outside the scope of his or her expertise,
458 experience, and education for any client who is ill or has a
459 physical dysfunction, unless the services are performed in
460 conjunction with a licensed physician, physical therapist, or
461 chiropractor.

462 (d) A massage therapist or massage therapy
463 establishment may not advertise or offer to perform services
464 on any sexually explicit website or online platform that
465 promotes prostitution, sexually explicit services, or human
466 trafficking.

467 (e) Unless exempt pursuant to Section 34-43A-4, a
468 massage therapist may only perform massage therapy services at
469 or through a licensed massage therapy establishment. If a
470 massage therapist is performing outcall massage therapy
471 services, those services shall be provided through a licensed
472 massage therapy establishment."

473 "§34-43A-8

474 (a) An individual desiring to be licensed as a massage
475 therapist shall apply to the board on forms provided by the
476 board. Unless licensed pursuant to subsection (b), an



477 applicant for a license shall submit evidence satisfactory to
478 the board that he or she has met all of the following
479 requirements:

480 ~~(1)a. Completed a minimum of 650 hours of instruction~~
481 ~~which shall consist of all of the following:~~

482 ~~1. One hundred hours of anatomy and physiology,~~
483 ~~including 35 hours of myology, 15 hours of osteology, 10 hours~~
484 ~~of circulatory system, and 10 hours of nervous system, with~~
485 ~~the remaining 30 hours addressing other body systems at the~~
486 ~~discretion of the massage therapy school.~~

487 ~~2. Two hundred fifty hours of basic massage therapy,~~
488 ~~the contradistinctions of massage therapy, and related touch~~
489 ~~therapy modalities, including a minimum of 50 hours of~~
490 ~~supervised massage.~~

491 ~~3. Fifty hours of business, hydrotherapy, first-aid,~~
492 ~~cardiopulmonary, resuscitation, professional ethics, and state~~
493 ~~massage therapy laws.~~

494 ~~4. Two hundred fifty hours of electives as determined~~
495 ~~by the massage therapy school.~~

496 ~~b. The board, by rule, may increase the minimum number~~
497 ~~of hours of instruction required for a license, not to exceed~~
498 ~~the number of hours recommended by the National Certification~~
499 ~~Board for Therapeutic Massage and Bodywork.~~

500 (1) Successfully completed a course of instruction in
501 massage therapy which meets the minimum criteria established
502 by board rule for course content and hours of instruction.

503 ~~e. In addition to paragraphs a. and b., to~~ To perform
504 therapeutic massage on an animal, a massage therapist shall



505 have also graduated from a nationally approved program and
506 completed at least 100 hours of postgraduate training and
507 education in animal anatomy, pathology, and physiology for the
508 specific type of animal upon which he or she will perform
509 therapeutic massage.

510 (2) Successfully passed a state board exam or a
511 national standardized examination approved by the board. The
512 board may approve other state exams on a case-by-case basis.

513 (3) Completed a criminal history background check
514 pursuant to Section 34-43A-13(c). The board may deny or
515 discipline an applicant who has been convicted of a felony or
516 of any crime arising out of or connected with the practice of
517 massage therapy.

518 (4) Paid all applicable fees.

519 (5) Additional requirements as provided by rule.

520 (b) Notwithstanding the requirements listed in
521 subdivisions (1) and (2) of subsection (a), the board may
522 license an applicant who is licensed or registered to practice
523 massage therapy in another state if the standards of practice
524 or licensing of that state, at the time the applicant was
525 originally licensed or registered, were equal to or stricter
526 than the requirements imposed by this chapter. All applicants
527 may be subject to an initial in-person board hearing
528 determined by at the discretion of the board.

529 (c) Upon receipt of an application, the board shall
530 notify the applicant that his or her application is ~~pending~~
531 complete and shall also notify the applicant upon the approval
532 ~~or rejection~~ of his or her application. An application is not



533 complete until all components of the application have been
534 received and all criminal history information has been
535 delivered to the board. If an application is proposed to be
536 rejected, ~~the board shall notify the applicant of the reasons~~
537 ~~for the rejection~~ the applicant shall be entitled to a hearing
538 on his or her application."

539 "§34-43A-9

540 (a) No massage therapy establishment shall operate in
541 this state without a license issued by the board.

542 (b) A sexually-oriented business may not operate as a
543 massage therapy establishment or be licensed by the board
544 pursuant to this chapter.

545 (c) A massage therapy establishment shall contract with
546 or employ only licensed massage therapists to perform massage
547 therapy. ~~Every~~ Each establishment shall notify the board of
548 every ~~massage therapist shall be registered with the board who~~
549 performs massage therapy at or through the massage therapy
550 establishment, and one of ~~them~~ those massage therapists shall
551 be designated as the individual who will ensure that the
552 massage therapy establishment complies with state law and all
553 applicable administrative rules.

554 (d) A massage therapy establishment license is not
555 assignable or transferable.

556 (e) If the holder of a massage therapy establishment
557 license moves the location of the massage therapy
558 establishment without changing either the name or ownership of
559 that massage therapy establishment, the board ~~shall~~ may waive
560 the new establishment license fee, if documentation set by



561 rule of the board is approved. This subsection shall not
562 change the expiration date of a massage therapy establishment
563 license. The new location is subject to an inspection before
564 any massage therapy services are performed at the new
565 location.

566 (f) (1) Except as provided in subdivision (2), each
567 applicant for ~~a~~ an initial massage therapy establishment
568 license shall complete a criminal history background check
569 pursuant to rules adopted by the board.

570 (2) An applicant for a massage therapy establishment
571 license who is a massage therapist and has completed a
572 criminal history background check as required by the board
573 within the preceding two years shall be exempt from completing
574 the criminal history background check required in subdivision
575 (1).

576 (3) An applicant for a massage therapy establishment
577 license shall be the owner, lessee, or legal possessor of the
578 physical establishment.

579 (g) The physical location of a proposed massage therapy
580 establishment shall be subject to an initial inspection by the
581 board before a massage therapy establishment license is
582 granted to the applicant. A massage therapy establishment
583 which provides only outcall massage therapy services must
584 designate a physical location at which records and equipment
585 are available for inspection.

586 ~~(h) If the physical location of a massage therapy~~
587 ~~establishment has been shut down by the board or by local,~~
588 ~~state, or federal law enforcement, the physical location is~~



589 ~~permanently prohibited from being licensed or operating as a~~
590 ~~massage therapy establishment."~~

591 "§34-43A-10

592 (a) Applications for licensing and renewal of a license
593 shall be on forms provided by the board and shall be
594 accompanied by the applicable fee. ~~A recent two by two inch~~
595 ~~photograph showing a frontal view of the head and shoulders of~~
596 ~~the applicant for a massage therapy or therapy instructor~~
597 ~~license and applicant for a massage therapy establishment~~
598 ~~license, taken no more than six months earlier, shall be~~
599 ~~submitted with each application.~~ All documents shall be
600 submitted in English.

601 (b) The board may deny the application of any applicant
602 who refuses to complete a criminal history background check as
603 required by the board and provided in Section 34-43A-13(c).

604 (c) The board shall issue a license, ~~on a pre-printed~~
605 ~~sequentially numbered form,~~ to each individual who qualifies
606 to be a massage therapist and to each qualified applicant for
607 a massage therapy establishment license. A license issued by
608 the board grants all professional rights, honors, and
609 privileges relating to the practice of massage therapy.

610 (d) Each massage therapist shall display his or her
611 license in the manner specified by the board. Each massage
612 therapy establishment shall prominently post its license and
613 the license of each massage therapist who practices within the
614 massage therapy establishment in plain sight at the massage
615 therapy establishment.

616 (e) The board may inspect establishments at any time



617 during normal business hours to ensure compliance with state
618 law and board rules.

619 ~~(e)(f)~~ A license is the property of the board and shall
620 be surrendered upon demand of the board."

621 "§34-43A-12

622 (a) The board, by rule, ~~shall assess and collect all of~~
623 ~~the following fees not to exceed:~~ may establish and collect
624 reasonable fees.

625 ~~(1) One hundred dollars (\$100) for an initial massage~~
626 ~~therapist license.~~

627 ~~(2) One hundred dollars (\$100) for a biennial license~~
628 ~~renewal postmarked or received at the office of the board on~~
629 ~~or before the expiration date of the license.~~

630 ~~(3) One hundred dollars (\$100) for an initial, and~~
631 ~~fifty dollars (\$50) for any renewal of, a massage therapy~~
632 ~~establishment license.~~

633 ~~(4) One hundred fifty dollars (\$150) for an initial~~
634 ~~registration, and any renewal registration, as a massage~~
635 ~~therapy school in this state.~~

636 ~~(5) One hundred dollars (\$100) to register and renew~~
637 ~~registration as a massage therapy instructor in this state.~~

638 ~~(6) Seventy-five dollars (\$75) to reactivate an expired~~
639 ~~license.~~

640 ~~(7) Twenty-five dollars (\$25) shall be added to any~~
641 ~~license fees not postmarked or received at the office of the~~
642 ~~board on or before the expiration date of the license.~~

643 ~~(8) Ten dollars (\$10) for a duplicate license~~
644 ~~certificate or a name change on a license certificate. The~~



645 ~~board may issue a duplicate certificate for each massage~~
646 ~~therapy establishment on file with the board where the massage~~
647 ~~therapist practices massage therapy. The board may issue~~
648 ~~additional duplicate certificates only after receiving a sworn~~
649 ~~letter from the massage therapist that an original certificate~~
650 ~~was lost, stolen, or destroyed. The board shall maintain a~~
651 ~~record of each duplicate certificate issued.~~

652 ~~(b) Necessary administrative fees may be charged by the~~
653 ~~board including, but not limited to, reasonable costs for~~
654 ~~copying, labels, and lists, and the actual costs for~~
655 ~~completing a criminal history background check. Examination~~
656 ~~and license fees may be adjusted by rule of the board.~~

657 ~~(e)~~ (b) Commencing on June 1, 2024, the name of the
658 separate special revenue trust fund in the State Treasury
659 known as the Alabama Board of Massage Therapy Fund shall be
660 renamed and then known as the Alabama Massage Therapy
661 Licensing Board Fund. All receipts collected by the board
662 under this chapter shall be deposited in this fund and used
663 only to carry out this chapter. Receipts shall be disbursed
664 only by warrant of the Comptroller, ~~upon itemized vouchers~~
665 ~~approved by the chair of the board.~~ No funds shall be
666 withdrawn except as budgeted and allotted according to
667 Sections 41-4-80 through 41-4-96 and 41-19-1 through 41-19-12,
668 and only in amounts as stipulated in the general
669 appropriations bill or other appropriations bills."

670 "§34-43A-13

671 (a) Any individual may file with the board a written
672 complaint regarding an allegation of impropriety by a massage



673 therapist, massage therapy establishment, or other individual
674 or entity. Complaints shall be made in the manner prescribed
675 by the board. ~~Complaints received by the board shall be~~
676 ~~referred to a standing investigative committee consisting of a~~
677 ~~board member, the board attorney, and the board investigator.~~
678 ~~If no probable cause is found, the investigative committee may~~
679 ~~dismiss the charges and prepare a written statement of the~~
680 ~~reasons for that decision.~~

681 (b) ~~If~~ The executive director shall provide for an
682 investigation of the complaint and, if probable cause is
683 ~~found, the board shall~~ may initiate an administrative
684 proceeding. Upon a finding that the licensee or applicant for
685 licensing has committed any of the following misconduct, the
686 board may suspend, revoke, probate, reprimand, otherwise
687 discipline, or refuse to issue or renew a license or impose a
688 civil penalty after notice and opportunity for a hearing
689 pursuant to the Administrative Procedure Act:

690 (1) ~~The license was~~ licensee or applicant for licensing
691 obtained or attempted to obtain a license by means of fraud,
692 misrepresentation, fraudulent transcripts, invalidated exam
693 scores, or concealment of material facts, including making a
694 false statement on an application or any other document
695 required by the board for licensing.

696 (2) The licensee or applicant for licensing sold or
697 bartered, or offered to sell or barter, a license for a
698 massage therapist or a massage therapy establishment.

699 (3) The licensee or applicant for licensing has engaged
700 in unprofessional conduct that has endangered or is likely to



701 endanger the health, safety, and welfare of the public, as
702 defined by the rules of the board.

703 (4) The licensee or applicant for licensing has been
704 convicted of a felony or of any crime arising out of or
705 connected with the practice of massage therapy.

706 (5) The licensee or applicant for licensing has
707 violated or aided and abetted in the violation of this
708 chapter.

709 (6) The licensee or applicant for licensing is
710 adjudicated as mentally incompetent by a court of law.

711 (7) The licensee or applicant for licensing uses
712 controlled substances or habitually and excessively uses
713 alcohol.

714 (8) The licensee or applicant for licensing engaged in
715 false, deceptive, or misleading advertising.

716 (9) The licensee or applicant for licensing engaged in
717 or attempted to or offered to engage a client in sexual
718 activity, including, but not limited to, genital contact,
719 within the client-massage therapist relationship.

720 (10) The licensee or applicant for licensing has
721 knowingly allowed the massage therapy establishment to be used
722 as an overnight sleeping accommodation.

723 (11) The licensee or applicant for licensing had a
724 license revoked, suspended, or denied in any other territory
725 or jurisdiction of the United States for any act described in
726 this section.

727 (12) The licensee or applicant ~~or licensee~~ for
728 licensing was convicted of impersonating a massage therapist



729 in another jurisdiction.

730 (c) (1) Subsequent to an official complaint, and for
731 other requirements established by this chapter, including for
732 the purpose of determining an applicant's suitability for a
733 ~~license or the renewal of a license~~ to practice massage
734 therapy, the board may request a criminal history background
735 check of the licensee or applicant for licensing pursuant to a
736 schedule created by rule of the board. ~~Each applicant shall~~
737 ~~submit a complete set of fingerprints and a form, sworn to by~~
738 ~~the applicant, providing written consent from the applicant~~
739 ~~for the release of criminal history background check~~
740 information to the board. The applicant or licensee shall
741 submit a full set of fingerprints to the board for the purpose
742 of obtaining a state and national criminal history background
743 check.

744 ~~(2) The board shall submit the fingerprints and form~~
745 ~~provided by each applicant to the Alabama State Law~~
746 ~~Enforcement Agency (ALEA). The applicant may be fingerprinted~~
747 ~~by ALEA at the time of the form submission. ALEA shall conduct~~
748 ~~a check of state records and forward the fingerprints to the~~
749 ~~FBI for a national criminal history background check.~~

750 ~~(3) The results of the state and national criminal~~
751 ~~history background check records shall be returned to the~~
752 ~~board by ALEA.~~

753 ~~(4) The board shall reimburse ALEA for conducting~~
754 ~~criminal history background checks according to the fee~~
755 ~~schedule adopted by the Alabama Justice Information~~
756 ~~Commission.~~



757 ~~(5) Any criminal history background check reports~~
758 ~~received by the board from ALEA shall be marked confidential~~
759 ~~and shall not be disclosed or made available for public~~
760 ~~inspection. All criminal history background check reports~~
761 ~~received pursuant to this section are specifically excluded~~
762 ~~from any requirement of public disclosure as a public record.~~
763 ~~Reports received may only be used for the purposes described~~
764 ~~in this chapter. All information provided is subject to the~~
765 ~~rules established by the Alabama Justice Information~~
766 ~~Commission and Public Law 92-544. An individual that uses a~~
767 ~~criminal history background check report for purposes other~~
768 ~~than those provided in this chapter may be subject to criminal~~
769 ~~charges under Sections 41-9-601 and 41-9-602.~~

770 (2) Fingerprints obtained pursuant to subdivision (1)
771 may be exchanged by the board, the Alabama State Law
772 Enforcement Agency, or any successor entity thereof, or any
773 channeler approved by the board, with the Federal Bureau of
774 Investigation for the purpose of obtaining a state and
775 national criminal history background check.

776 (3) The applicant or licensee shall be responsible for
777 all costs associated with the submission of his or her
778 fingerprints and obtaining a state and national criminal
779 history background check. The board may incorporate those
780 costs into the cost of licensing or may charge the applicant
781 or licensee a separate fee, which may be payable to the board,
782 the Alabama State Law Enforcement Agency, or any successor
783 entity thereof, or the approved channeler, as appropriate.

784 (4) Information received by the board pursuant to a



785 state and national criminal history background check shall be
786 confidential and shall not be a public record, except that any
787 information received by and relied upon by the board in
788 denying the issuance of a license or revoking, suspending, or
789 otherwise disciplining a license or licensee may be disclosed
790 as necessary to support the denial or revocation, suspension,
791 or other disciplinary action.

792 (d) An individual governed by this chapter who has a
793 reasonable belief that another massage therapist has violated
794 this chapter shall inform the board in writing within 30
795 calendar days after the date the individual discovers this
796 activity. Upon finding that an individual has violated this
797 subsection by not informing the board as required, the board
798 may do any of the following:

799 a. Impose an administrative fine of not more than ten
800 thousand dollars (\$10,000) according to a disciplinary
801 infraction fine schedule adopted by rule of the board.

802 b. Suspend, probate, reprimand, otherwise discipline,
803 or revoke the individual's license to practice massage
804 therapy.

805 (e) The license of any individual who has been
806 convicted of, or has entered a plea of nolo contendere to, a
807 crime or offense involving human trafficking, prostitution, or
808 any other type of sexual offense shall be permanently revoked
809 by the board according to the Administrative Procedure Act.

810 (f) The massage therapy establishment license of any
811 massage therapy establishment wherein an individual ~~has been~~
812 ~~convicted of, or entered~~ engages in conduct which leads to a



813 conviction of or entry of a plea of nolo contendere to, an
814 offense involving prostitution or any other type of sexual
815 offense against a client, or which the board determines is a
816 sexually-oriented business, shall be permanently revoked by
817 the board according to the Administrative Procedure Act.

818 (g) ~~(1)~~ Upon a finding that an individual or entity who
819 is governed by this chapter has performed massage therapy or
820 operated a massage therapy establishment without having
821 obtained a license, the board may do any of the following:

822 ~~a.~~ (1) Impose an administrative fine of not more than
823 ten thousand dollars (\$10,000).

824 ~~b.~~ (2) Issue a cease and desist order.

825 ~~c.~~ (3) Petition the circuit court of the county where
826 the act occurred to enforce the cease and desist order and
827 collect the assessed fine.

828 (h) (1) The executive director may issue an emergency
829 order suspending the operation of a massage therapy
830 establishment without a prior hearing when public safety is at
831 immediate risk. Public safety shall be considered at immediate
832 risk in any of the following circumstances:

833 a. A law enforcement agency notifies the board that the
834 law enforcement agency is investigating a massage therapy
835 establishment for an offense under Section 13A-6-152, this
836 chapter, or rules adopted by the board pursuant to this
837 chapter.

838 b. The massage therapy establishment is operating
839 without a valid license issued by the board.

840 c. The board has reasonable cause to believe that a



841 massage therapy establishment is violating this chapter or a
842 rule adopted by the board pursuant to this chapter, and, upon
843 physical inspection by the board, one or more violations are
844 confirmed.

845 d. Upon physical inspection of a massage therapy
846 establishment by the board, one or more violations of this
847 chapter or a rule adopted by the board pursuant to this
848 chapter are confirmed.

849 e. Other circumstances as determined by the board.

850 (2) Upon determining that an individual or entity
851 governed by this chapter has performed massage therapy or
852 operated a massage therapy establishment without a valid
853 license as provided in subdivision (g) (1); the executive
854 director of the board may issue an emergency order. If the
855 executive director believes a massage therapy establishment is
856 in violation of a local, municipal, or other applicable law,
857 the executive director shall notify local law enforcement of
858 the possible violations. An emergency order shall identify the
859 massage therapy establishment by its business name and state
860 that the massage therapy establishment is closed by order of
861 the board pursuant to this chapter and rules adopted by the
862 board pursuant to this chapter.

863 (3) A massage therapy establishment shall remain closed
864 to the public until it is in compliance with this chapter and
865 rules adopted by the board pursuant to this chapter. The board
866 shall provide the massage therapy establishment with a written
867 summary of the findings of any inspection resulting in the
868 emergency order and shall describe the compliance measures



869 necessary to remedy those findings. Within three business days
870 after receipt of the findings by the massage therapy
871 establishment, the board shall issue to the massage therapy
872 establishment, in writing, a complaint resulting in the
873 emergency order suspending the operation of the massage
874 therapy establishment, which describes the compliance measures
875 which must be taken for the emergency order to be rescinded.

876 (4) An emergency order suspending the operations of a
877 massage therapy establishment shall be printed on 8 ½" x 11"
878 paper and conspicuously taped to the front door of the massage
879 therapy establishment.

880 (5) A massage therapy establishment may not remove the
881 posted emergency order or reopen for business until the board
882 determines, after a physical inspection, that the massage
883 therapy establishment is in compliance with this chapter and
884 rules adopted by the board pursuant to this chapter.

885 (6) A massage therapy establishment that reopens to the
886 public while operations are suspended shall be fined one
887 thousand dollars (\$1,000) per day for each day in violation.

888 (7) If the board is required to enforce the emergency
889 order in circuit court for continued violations of this
890 chapter or rules adopted by the board pursuant to this
891 chapter, the court may triple any applicable fines and order
892 the massage therapy establishment to reimburse the board for
893 all legal fees and administrative costs incurred by the board
894 in enforcing the violation.

895 (8) Within 30 days after the issuance of an emergency
896 order suspending operations of a massage therapy



897 establishment, the massage therapy establishment may request,
898 in writing, a formal hearing before the board.

899 ~~(2)~~ (i) Any individual or entity aggrieved by any
900 adverse action of the board may appeal the action to the
901 Circuit Court of Montgomery County.

902 ~~(h)~~ (j) The board shall present any incident deemed
903 serious misconduct by the board to the local district attorney
904 for review and appropriate legal action.

905 ~~(i)~~ (k) The board may adopt rules to implement and
906 administer this section."

907 "§34-43A-14

908 (a) An individual or entity who does not hold a license
909 as a massage therapist, physical therapist, chiropractor, or
910 athletic trainer, or a license for a massage therapy
911 establishment, shall not use the words "massage" or "bodywork"
912 on any sign or other form of advertising describing services
913 performed by the individual or within the establishment.

914 (b) Any advertisement by a massage therapist or massage
915 therapy establishment shall contain the license number of the
916 massage therapist or massage therapy establishment."

917 "§34-43A-16

918 (a) In addition to the criminal penalty prescribed by
919 this chapter, the board may seek an injunction against any
920 individual, entity, or establishment in violation of this
921 chapter.

922 (b) In an action for an injunction, the board may
923 demand and recover a civil penalty of fifty dollars (\$50) per
924 day for each violation, reasonable attorney fees, and court



925 costs."

926 "§34-43A-18

927 (a) To be approved by the board, a massage therapy
928 school shall ~~meet all of the following requirements~~ comply
929 with all standards for approval established by board rule. The
930 applicant shall also do all of the following:

931 (1) Submit to the board a completed application
932 prescribed by the board and the registration fee ~~specified in~~
933 ~~Section 34-43A-12.~~

934 ~~(2) Provide documentation of a curriculum that shall~~
935 ~~include a minimum number of required hours of instruction in~~
936 ~~the subjects required by Section 34-43A-8.~~

937 ~~(3)~~ (2) Register ~~annually~~ biannually with the board by
938 submitting a renewal form, the renewal fee ~~specified in~~
939 ~~Section 34-43A-12~~, and a current curriculum and list of active
940 massage therapy instructors teaching at the school.

941 ~~(4)~~ (3) Commencing on October 1, 2025, submit proof to
942 the board of registration as an assigned school through the
943 National Certification Board for Therapeutic Massage and
944 Bodywork (NCBTMB).

945 (4) Satisfy other standards as the board may impose by
946 rule.

947 (b) Except as provided in Section 34-43A-4(a)(4), every
948 massage therapy instructor teaching a course in massage
949 therapy at a massage therapy school located in this state
950 shall be licensed by the board as a massage therapist and
951 registered as a massage therapy instructor. Instructors who
952 are not teaching massage therapy do not need to be registered.



953 An adjunct massage therapy instructor shall be dually licensed
954 in the state where he or she resides or be nationally
955 certified, or both.

956 (c) An applicant for registration as a massage therapy
957 instructor shall satisfy all of the following requirements:

958 (1) Be currently licensed as a massage therapist in
959 this state.

960 (2) Submit to the board a completed application as
961 prescribed by the board and the ~~one-time~~ application fee
962 ~~specified in Section 34-43A-12.~~

963 (3) Submit documentation of three years of experience
964 in the practice of massage therapy. The documentation may be
965 considered by the board on a case-by-case basis."

966 Section 3. This act shall become effective on June 1,
967 2025.



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President and Presiding Officer of the Senate



Speaker of the House of Representatives

SB253
Senate 24-Apr-25
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 06-May-25

By: Senator Gudger

APPROVED 5-14-2025

TIME 11:30 am



GOVERNOR

Alabama Secretary Of State

Act Num....: 2025-395
Bill Num...: S-253

ORIGINAL
 Senate Bill No. 253
 Project No. SVCLAND-1

SPONSOR

August
 CO-SPONSORS

- T. J. L. S. H. 19
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SENATE ACTION

DATE: 3/17 2025
 RD 1 RFD C+MG

I hereby certify that the notice & proof is attached to the Bill, SB _____ as required in the General Acts of Alabama, 1975 Act No. 919.
PATRICK HARRIS,
 Secretary

This Bill was referred to the Standing Committee of the Senate on C+MG and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) 0 w/sub 0 w/eng sub 0 years 9 nays 0 abstain 0 this 2nd day of April, 2025
T. J. L. S. H., Chairperson

DATE: 4-3 2025
 RF FAU RD 2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 253
 years 30 nays 0 abstain 0
PATRICK HARRIS,
 Secretary

DATE: 4/24-25 RD 3 at length
 PASSED PASSED AS AMENDED
 years 30 nays 2 abstain 0
 And was ordered sent forthwith to the House.
PATRICK HARRIS,
 Secretary

HOUSE ACTION

DATE: 4-24 2025
 RD 1 RFD BAC

REPORT OF STANDING COMMITTEE
 This bill having been referred by the House to its standing committee on BAC was acted upon by such Committee in session, and returned therefrom to the House with the recommendation that it be Passed,
 w/amd(s) _____ w/sub _____
Chairperson

DATE: 4-29 2025
 RF RD 2 CAL

DATE: _____ 20____
 RE-REFERRED RE-COMMITTED
 COMMITTEE _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 253.
 YEAS _____ NAYS _____
JOHN TREADWELL,
 Clerk

Appendix III - Examination Results by Alabama Public Educational Institution – First Time Takers

Better Bodies Massage Institute			
Calendar Year	# Taken	# Passed	% Passed
2023	5	4	80%
2024	7	5	71%
Total	12	9	75%

Birmingham School of Massage			
Calendar Year	# Taken	# Passed	% Passed
2023	22	16	73%
2024	21	16	76%
Total	43	32	74%

Blue Cliff Career College			
Calendar Year	# Taken	# Passed	% Passed
2023	11	8	73%
2024	11	8	73%
Total	22	16	73%

Bluewater Institute for Massage Therapy			
Calendar Year	# Taken	# Passed	% Passed
2023	8	5	63%
2024	12	9	75%
Total	20	14	70%

Body Logic School of Cosmetology and Esthetics, LLC			
Calendar Year	# Taken	# Passed	% Passed
2023	12	6	50%
2024	6	2	33%
Total	18	8	44%

Dothan Massage School			
Calendar Year	# Taken	# Passed	% Passed
2023	6	5	83%

Madison School of Massage Therapy			
Calendar Year	# Taken	# Passed	% Passed
2023	9	6	67%

Massage Therapy Institute			
Calendar Year	# Taken	# Passed	% Passed
2023	13	11	85%
2024	10	5	50%
Total	23	16	70%

Massaged Life & Wellness Academy			
Calendar Year	# Taken	# Passed	% Passed
2023	7	5	71%
2024	7	7	100%
Total	14	12	86%

Montgomery School of Bodywork and Massage			
Calendar Year	# Taken	# Passed	% Passed
2023	8	5	63%
2024	10	6	60%
Total	18	11	61%

North Alabama Wellness School			
Calendar Year	# Taken	# Passed	% Passed
2023	13	9	69%
2024	11	10	91%
Total	24	19	79%

Northeast Alabama Community College			
Calendar Year	# Taken	# Passed	% Passed
2023	5	5	100%
2024	*	*	50%
Total	5	5	100%

Southern Union State Community College			
Calendar Year	# Taken	# Passed	% Passed
2023	7	5	71%
2024	7	4	57%
Total	14	9	64%

Wiregrass School of Massage Therapy			
Calendar Year	# Taken	# Passed	% Passed
2023	4	2	50%
2024	5	3	60%
Total	9	5	56%

*Indicates 1-3 exams administered

Appendix IV: Board Members



Alabama Massage Therapy Licensing Board
Peggy Sellers Benson, RN, MSHA, MSN, NE-BC
Executive Officer

RSA Plaza, Suite 250
770 Washington Ave.
Montgomery, AL 36104

www.almtbd.alabama.gov
(334) 230-3999
1-833-853-1260
Fax (334) 353-9939

Mailing Address:
P.O. Box 301011
Montgomery, AL 36130-1011

May 5, 2025

Mr. Gerald Dedon
Examiner of Public Accounts
401 Adams Avenue, Suite 280
Montgomery, AL. 36104

Dear Mr. Dedon,

As requested regarding the Board of Massage members and Chief Administrative Officer is listed below. Please let me know if you need additional information.

Name: Jessica White-Chairman
City: Russellville
Term Expires: June 30, 2028

Name: Tom Henderson, Jr.-Vice Chairman
City: Midfield
Term Expires: June 30, 2028

Name: Ali Araiinejad
City: Montgomery
Term Expires: June 30, 2026

Name: Noel Boone
City: Alexander City
Term Expires: June 30, 2028

Name: Laura Cooper
City: Red Level
Term Expires: June 30, 2027

Name: Kristen Gillis
City: Montgomery
Term Expires: June 30, 2027

Name: Amy Long
City: Montgomery
Term Expires: June 30, 2027

Name: Anastasia Morris
City: Hazel Green
Term Expires: June 30, 2026

Name: Daynette Ranger
City: Helena
Term Expires: June 30, 2026

Name: Peggy Sellers Benson-Executive Officer
City: Clanton

Sincerely,

A handwritten signature in black ink, appearing to read "Peggy Benson". The signature is fluid and cursive, with a large initial "P" and "B".

Peggy Sellers Benson, RN, MHSA, MSN, NE-BC
Executive Officer

Appendix V: Board's Response



Alabama Massage Therapy Licensing Board
Peggy Sellers Benson, RN, MSHA, MSN, NE-BC
Executive Officer

RSA Plaza, Suite 250
770 Washington Ave.
Montgomery, AL 36104

www.almtbd.alabama.gov
(334) 230-3999
1-833-853-1260
Fax (334) 353-9939

Mailing Address:
P.O. Box 301011
Montgomery, AL 36130-1011

August 27, 2025

Rachel Riddle, JD, MA
Chief Examiner
Alabama Department of Examiners of Public Accounts
401 Adams Ave
Suite 280
Montgomery, AL 36104

Dear Ms. Riddle:

Thank you for the opportunity to review the newly reconstituted Alabama Massage Therapy Licensing Board (AMTLB) Sunset Audit report, as well as to discuss the AMTLB's journey over the past 14 months. As you are aware, the Alabama Board of Nursing (ABN) assumed administration of the AMTLB effective June 1, 2024, and the Board of Nursing acted as the AMTLB until January 2025, when the members of the new AMTLB were appointed and assumed their responsibilities as Board members. The new board members were provided a lengthy and detailed orientation that included presentations from the executive officer, board staff, legal staff, and the ethics commission.

One of the many challenges we encountered in administering the new-board was in retrieving and interpreting data from the now-defunct Alabama Board of Massage Therapy (ABMT), as well as numerous financial barriers. We are deeply grateful to each of our state partners, including the Office of the Attorney General, the Office of the Comptroller, the State Personnel Department, and, of course, the Examiners of Public Accounts, all of whom offered tremendous support and were quick to respond to our needs. Their assistance exemplified the collaboration between agencies that should be a permanent and enduring feature of State governance.

In responding to this report, we do not deny that we and others have made errors during both the transition and the ongoing period of temporary administration of the AMTLB, but we are also cognizant of the many major improvements that our staff and members have made in the areas of licensure, discipline, customer service, and fairness. Throughout this time, the members and staff of both the ABN and AMTLB have performed in an exemplary fashion despite numerous attempts to derail, threaten, intimidate, and harass staff and new board members at a level that I have not seen in my 16 years in regulation. As always, we remain committed to continuing to provide excellent service to the State and to our constituents as we continue this process and prepare the AMTLB for the future.

Sincerely,

Peggy Sellers Benson, MSN, RN, MSHA, NE-BC
Executive Officer

Significant Issue	COMMENTS	
<p>Significant Issue 2025-001: During the sunset review period, the Board's expenditures exceeded revenues received. The Board's expenditures exceeded the revenues received by the Board by \$11,325.71 in fiscal year 2024. The <i>Code of Alabama 1975</i>, Section 34-43A-6(b)(3) (effective June 1, 2024) stated, "The board may do any of the following: (3) Adopt an annual budget and authorize necessary expenditures from fees and other available appropriations. The expenditures of the board may not exceed the revenues of the board in any fiscal year."</p>		<p>RESOLVED, The passage of Act Number 2025-395, Acts of Alabama, effective June 1, 2025, addresses this issue by amending the <i>Code of Alabama 1975</i>, Section 34-43A-6 to remove the language, "The expenditures of the board may not exceed the revenues of the board in any fiscal year." from the statute.</p>
<p>Significant Issue 2025-002: The Board's accounting records were not sufficiently maintained by the previous administrative services provider. Testing revealed that transfers from the vendor used by the Board for the collection of fees paid online for licensing and renewals lacked adequate supporting documentation to show the amount paid by each licensee.</p> <p>The <i>Code of Alabama 1975</i>, Section 36-12-2 states, "All public officers and servants shall correctly make and accurately keep in and for their respective offices or places of business all such books or sets of books, documents, files, papers, letters and copies of letters as at all times shall afford full and detailed information in reference to the activities or business required to be done or carried on by such officer or servant and from which the actual status and condition of such activities and business can be ascertained without extraneous information, and all of the books, documents, files, papers, letters, and copies of letters so made and kept shall be carefully protected and safely preserved and guarded from mutilation, loss or destruction.</p>	<p>The ABN assumed administration of the AMTLB Agency June 1, 2024, fewer than four months before the end of the audit period. The ABN, acting as the AMTLB, implemented substantially identical accounting and financial policies to those successfully followed by ABN staff. These irregularities should not recur.</p>	<p>RESOLVED</p>
<p>Significant Issue 2025-003: The Board is not ensuring appointed individuals maintain statutorily required qualifications while serving on the Board. A Board member's massage</p>	<p>This issue was identified after board member appointments from the appointing authority and after actual seating of the</p>	<p>RESOLVED Board member licensing monitoring</p>

<p>therapy license was expired for four months while serving on the Board. The <i>Code of Alabama 1975</i>, Section 34-43A-5(b) requires the seven members to be active massage therapist licensees.</p>	<p>reconstituted Board. Licensing renewals vary for all LMTs throughout the year and individuals remain accountable for maintaining licensure, irrespective of their status as board members.</p>	<p>established.</p>
<p>Significant Issue 2025-004: The Board adopted an administrative rule relating to massage therapy establishment licensure that was not authorized by statute. The administrative rule requires a licensed massage therapy establishment to demonstrate and maintain the right to occupy the premises whereas the statute does not require this demonstration.</p> <p>The <i>Code of Alabama 1975</i>, Section 34-43A-9 states the requirements for licensure as a massage therapy establishment to include:</p> <ul style="list-style-type: none"> • Establishment cannot operate as a sexually oriented business. • Must contract with or employ only licensed massage therapists registered with the Board. • Complete a criminal history background check. • Submit to an initial inspection of the physical location of the proposed establishment. <p><i>Administrative Rule 532-X-4-.02(1)</i>, effective November 14, 2024, states in part, “A licensed massage therapy establishment must demonstrate and maintain the following requirements: (a) Right to occupy the premises as demonstrated by a deed, lease, or other document establishing lawful possession in the name of the sole proprietor, corporation, limited liability company, or partnership that holds a massage therapy establishment license...”</p>	<p>The ABN, acting as the AMTLB, adopted a new Administrative Code for the AMTLB to facilitate implementation of Alabama Act No. 2024-361. Board staff believed in earnest that the statute in effect at the time supported the rule.</p> <p>See rationale below. Once identified, the AMTLB staff recommended appropriate changes under Alabama Act No. 2025-395.</p> <p>AMTLB identified the need to define the word “applicant,” because AMTLB is required to perform fingerprint background checks on the applicant(s).</p> <p>“Applicant” was defined as “the owner, lessee, or legal possessor of the physical establishment.” AMTLB Administrative Code § 532-X-4-.03. This definition was selected because it was necessary to determine whether the applicant was actually associated with the physical location at which the establishment would be located.</p> <p>Having defined the applicant, the applicant was required to provide documentation of the applicant’s right to occupy the premises.</p>	<p>RESOLVED</p> <p>The passage of Alabama Act No. 2025-395 addressed this issue by amending <i>Code of Alabama 1975</i>, Section 34-43A-9 to add the language requiring the applicant for a massage therapy establishment license to be the owner, lessee, or legal possessor of the physical establishment.</p>

<p>Significant Issue 2025-005: The Board adopted an administrative rule relating to the registration of massage therapy schools that is not authorized by statute. The administrative rule requires massage therapy schools to obtain registration as an assigned school through the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) at an earlier date than mandated by statute.</p> <p>The <i>Code of Alabama 1975</i>, Section 34-43A-18(a)(3) states, “Commencing on October 1, 2025, submit proof to the board of registration as an assigned school through the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).”</p> <p>The Board’s <i>Administrative Rule 532-X-5-.01(9)</i> states, “No later than October 1, 2025, an approved massage therapy school shall acquire and maintain registration as an assigned school through the National Certification of Therapeutic Massage and Bodywork Board (NCBTMB).”</p>	<p>The ABN, acting as the new AMTLB, committed an unintentional error in drafting the rule. The error was subsequently corrected.</p>	<p>RESOLVED Rules currently in effect corrected the error, setting the requirement for assignment to be satisfied no later than October 1, 2025.</p>
<p>Significant Issue 2025-006: The Board has not complied with certain provisions of Executive Orders issued by the Governor. The Board did not provide documentation for submitting the Constituent Service Survey to the Office of the Governor due on January 31, 2024 and July 31, 2024 as required by Governor Ivey’s Executive Order 726: Promoting the Faithful Execution of the Laws Within the Executive Branch of State Government.</p> <p><i>Executive Order 726</i>, effective January 17, 2023, requires regulatory agencies to semi-annually report to the Office of the Governor their efforts to respond to constituents when they complain about a licensee or other entity regulated by the agency. These reports shall be filed at a time, and in a format prescribed by the Office of the Governor.</p>	<p>The ABN, acting as the AMTLB, assumed administration of the Board on June 1, 2024. However, the transition of data from the previous administrative services provider was difficult, resulting in a delay in access to licensure and complaint data. The ABN received the data file on June 24, 2024. However, board staff were not able to interpret the files until the middle of July, when the previous administrative service provider met with staff to clarify data.</p>	<p>RESOLVED The AMTLB maintains compliance currently.</p>

STATUS OF PRIOR FINDINGS/SIGNIFICANT ISSUES UNRESOLVED

PRIOR SIGNIFICANT ISSUES	COMMENTS
<p>Significant Issue 2023-003: Prior The Board paid Smith-Warren Management Services, Inc. a total of \$11,000.00 for administrative, management, and logistical support prior to entering into an emergency</p>	<p>The AMTLB is unable to address or correct past errors of the now-defunct</p>

<p>contract. The Board paid Smith-Warren Management Services, Inc. \$11,000.00 for the month of September 2022. The invoice was dated September 1, 2022, and it was paid on September 12, 2022. Additionally, the Board paid for services rendered from August 9, 2022 through August 31, 2022, for which no emergency contract was in effect. The prior emergency contract expired on August 8, 2022, and the subsequent emergency contract did not become effective until September 30, 2022.</p> <p>Current Status: Unresolved. The Board’s emergency contract dated September 30, 2022, expired September 29, 2023. Thereafter, the Board submitted an administrative services contract with Smith Warren Management Services, Inc. to the Contract Review Permanent Legislative Oversight Committee (the “Committee”) for its November 2, 2023 meeting. That contract was held by the Committee and released on December 12, 2023. On November 7, 2023, while the contract was being held, the Board submitted a letter to the Chief Procurement Officer (the “CPO”) in an attempt to secure another emergency contract for administrative, management, and facility services. However, the CPO refused to approve the request for an emergency contract.</p> <p>Ultimately, the Governor signed the Board’s contract for administrative services with an effective date of January 16, 2024. On January 29, 2024, Smith Warren Management Services, Inc. submitted a claim to the Alabama Board of Adjustment in the amount of \$42,048.45 for services provided from October 1, 2023 through January 15, 2024. On January 29, 2024, the Board sent a request to the Alabama Board of Adjustment to pay the claim. The Alabama Board of Adjustment approved the payment to Smith Warren Management Services, Inc. on May 23, 2024.</p>	<p>Alabama Board of Massage Therapy.</p>
<p>Prior Significant Issue 2023-006: The Board did not notify the Secretary of State of a vacancy occurring as a result of a resignation in a timely manner. The Board member resigned on January 20, 2023 and the Board notified the Secretary of State on March 23, 2023, sixty-two days after the resignation. The <i>Code of Alabama 1975</i>, Section 36-14-17(c) states, “The chair of an existing board shall notify the Secretary of State by electronic means of a vacancy as follows:</p> <p>(2) For a vacancy occurring for any reason other than the expiration of a term, as soon as possible, and in any case within 15 days after the occurrence of the vacancy.”</p> <p>Additionally, the <i>Code of Alabama 1975</i>, Section 34-43-6(d) states, “<i>Vacancies on the board occurring prior to the expiration of a term shall be filled by the Governor within 30 days of the vacancy to serve for the remainder of the unexpired term.</i> Each member of the board shall serve until his or her successor has been duly appointed and qualified.”</p> <p>Current Status: Unresolved. The Board did not notify the Secretary of State</p>	<p>The AMTLB is unable to address or correct past errors of the now-defunct Alabama Board of Massage Therapy.</p>

<p>of vacancies occurring as a result of the expiration of terms for five members whose terms expired on September 30, 2023.</p>	
<p><u>Prior Significant Issue 2023-009:</u> The <i>Code of Alabama 1975</i>, Section 34-43-20(c) conflicts with the <i>Code of Alabama 1975</i>, Section 34-43-14(a)(5) regarding the registration of massage therapy instructors. The <i>Code of Alabama 1975</i>, Section 34-43-20(c) states, “The board shall register as a massage therapy instructor any applicant who meets all of the following requirements: (2) Has filed a completed application prescribed by the board and <u>paid a one-time application fee pursuant to Section 34-43-14.</u>”</p> <p>However, the <i>Code of Alabama 1975</i>, Section 34-43-14(a) states, “By rule, the board shall assess and collect the following fees not to exceed: (5) One hundred dollars (\$100) to register <u>and renew registration</u> as a massage therapy instructor in this state.” A review of the Board’s cash receipts for fiscal years 2021, 2022, and 2023 (up to July 31, 2023) did not disclose instances of the Board collecting a renewal fee for massage therapy instructor licenses.</p> <p><u>Current Status:</u> Unresolved. There remained a conflict between the <i>Code of Alabama 1975</i>, Section 34-43A-18(c)(2) (effective June 1, 2024), which stated applicants submit a <u>one-time application fee</u> to satisfy the requirements for registration as a massage therapy instructor and the <i>Code of Alabama 1975</i>, Section 34-43A-12(a)(5) (effective June 1, 2024), which allowed for the assessment of <u>an initial and renewal registration fee</u> for a massage therapy instructor.</p>	<p>RESOLVED</p> <p>The passage of Act Number 2025-395, Acts of Alabama, effective June 1, 2025, addressed this conflict by amending the <i>Code of Alabama 1975</i>, Section 34-43A-18 by removing “one-time” from the statute’s language.</p>

STATUS OF PRIOR SIGNIFICANT ISSUES FROM QUESTIONNAIRES

Prior Significant Issue 2023-013: Licensed massage therapists and massage therapy establishments responding to our surveys have a negative perception of the Board regarding how the Board conducts its day-to-day operations. Requests for participation in our surveys were sent to 119 licensed massage therapists and 100 licensed massage therapy establishments. Twenty-seven licensed massage therapists and twenty licensed massage therapy establishments responded. Twenty-four of the twenty-seven licensed massage therapists (88.9%) and fifteen of the twenty licensed massage therapy establishments (75%) stated the Board was the most significant issue currently facing their profession in Alabama. Reasons cited for this perception include:

- Sixteen of the twenty-seven licensed massage therapists (59.3%) and nine of the twenty licensed massage therapy establishments (45%) responded the Board's laws, rules, or policies are an unnecessary restriction on their practice.
- Eighteen of the twenty-seven licensed massage therapists (66.7%) and nine of the twenty licensed massage therapy establishments (45%) responded licensees are not adequately informed of the Board's positions, policies, rules, and laws.
- Fifteen of the twenty-seven licensed massage therapists (55.6%) responded that the Board does not respond to inquiries in a timely manner.
- Fifteen of the twenty-seven licensed massage therapists (55.6%) responded that the Board does not perform licensing and renewals in a timely manner.

Current Status: Unresolved. Surveys were sent to 100 licensed massage therapists and 100 licensed massage therapy establishments. Twenty-two licensed massage therapists and twenty licensed massage therapy establishments responded, and the following items were noted:

- Fourteen of the twenty-two licensed massage therapists (64%) and eight of the twenty licensed massage therapy establishments (40%) responded the Board's laws, rules, or policies are an unnecessary restriction on their practice.
- Thirteen of the twenty-two licensed massage therapists (59%) and nine of the twenty licensed massage therapy establishments (45%) responded licensees are not adequately informed of changes to the Board's positions, policies, rules, and laws. Sixteen of the twenty-two licensed massage therapists (73%) and eleven of the twenty licensed massage therapy establishments (55%) responded that the Board does not respond to inquiries in a timely manner.
- Fifteen of the twenty-two licensed massage therapists (68%) and twelve of the twenty licensed massage therapy establishments (60%) responded that the Board did not perform their renewal in a timely manner.

The AMTLB is unable to address or correct past errors of the now-defunct Alabama Board of Massage Therapy.